CUMENTS DEPT.
FEB 20 1970
Duke University Library

Television course for secretaries . . . page 26

Civil Service Journal

U.S. CIVIL SERVICE COMMISSION

Vol. 10 No. 3—January–March 1970

Civil Service
Journal

Volume 10 Number 3

January–March 1970

CONTENTS

Articles

	Page
A Turning Point in Personnel Management by Robert E. Hampton	1
Operation MUST Is Turning Talent On by Jean Murray	5
A New Start in Federal Labor Relations by W. V. Gill	9
The Federal Employee's Right To Speak vs. The Need for Restraint by Anthony L. Mondello	16
The Careers in Government Program by J. Philip Bohart	22
FOST—An Acronym for Change in the National Park Service by Mati Tammaru	28

Feature

From Nine to Five	26

Departments

A Look at Legislation	13
Legal Decisions	25
Training Digest	32

Photo credits: Cover and pp. 26–27, WETA–TV.

U.S. Civil Service Commission

ROBERT E. HAMPTON.....*Chairman*
JAMES E. JOHNSON.....*Commissioner*
L. J. ANDOLSEK.....*Commissioner*
NICHOLAS J. OGANOVIC
Executive Director

Worth Noting

REGIONAL EEO Representatives are being assigned to each of the Civil Service Commission's ten regions in a further move to strengthen the Government's internal program for equal employment opportunity throughout the country. The Commission had previously designated its regional directors as EEO coordinators in their respective areas. The addition of full-time representatives will help to move the program forward at the installation level in keeping with CSC Chairman Hampton's statement that "success of the program will hinge largely on what is done at the job site."

DEPARTMENT OF DEFENSE officials responsible for the management of Defense in-house laboratories have been meeting with Civil Service Commission officials periodically since 1967 in an effort to overcome very troublesome personnel and manpower management problems peculiar to the field of research and development. Significant progress has been reported in a publication of the DoD Office for Laboratory Management, in which it is stated: "The positive approach of the CSC has enabled a positive innovative approach by the DoD. . . . It has demonstrated that the Government's overall personnel management system is more flexible than most people realize."

ABOUT 25,000 RETIREMENTS were counted in the period just before October 31, 1969, bearing out advance estimates that many employees who had the option would time their retirements to take advantage of a cost-of-living adjustment plus 1 percent. The Commission's Bureau of Retirement, Insurance, and Occupational Health is digging out from under the pile of applications—hopes to be back to normal by March.

$10,000 ROCKEFELLER Public Service Awards for 1969 were presented to seven career officials during December for distinguished service to the Government of the United States and to the American people. The winners: For administration, Arthur E. Hess, HEW. For foreign affairs (joint award of $5,000 each), John Frederick Thomas, Intergovernmental Committee for European Migration; and Philip C. Habib, U.S. Delegation, Paris Meetings on Vietnam. For national resources, William T. Pecora, U.S. Geological Survey. For law, legislation, or regulation, Ashley Foard, HUD. For science or technology, John W. Evans, Department of the Air Force. At large: Robert R. Gilruth, NASA. The awards are administered by Princeton's Woodrow Wilson School of Public and International Affairs.

FOUR ADMINISTRATIONS have discussed executive interchange betweeen business and industry, and now a program to accomplish it has been launched by the President's Commission on Personnel Interchange. Under the program, promising young executives from Federal

(*Continued—See Inside Back Cover*)

The *Civil Service Journal* is published quarterly by the U.S. Civil Service Commission. Editorial inquiries should be sent to: Mrs. Celima L. Hazard, Office of Public Affairs, Room 5351, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Telephone 632–5496 or Code 101, Extension 25496. No special permission necessary to quote or reprint materials contained herein; however, when materials are identified as having originated outside the Civil Service Commission, the source should be contacted for reprint permission. The *Journal* is available on subscription from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, $1 a year domestic, 25 cents additional for foreign mailing. Single copy 25 cents. Use of funds for printing this publication approved by the Director of the Bureau of the Budget by letter of March 31, 1965.

A Turning Point in

Personnel Management

by
ROBERT E. HAMPTON
Chairman
U.S. Civil Service Commission

AS ONE OF THE FIRST steps of his Administration, President Nixon visited each cabinet department. In doing so, he demonstrated to Federal civil servants his concern for a work force that is responsive to the needs of the Nation and a Government that offers opportunity for challenge, growth, and satisfaction to the men and women who administer its programs.

Again during the first year of his Administration, the President gave a sharp new focus to his concern about the Federal work force and the part it plays in achieving our national goals. In a memorandum to heads of executive departments and agencies on October 9, 1969, President Nixon directed them "to encourage the development of the highest order of expertise and competence among those to whom professional personnel management responsibilities are assigned," to "clearly establish the role of the director of personnel," and to "make the maximum use of his expertise in formulating and implementing personnel management policies." He asked Federal managers to continually assure the kind of personnel man-

agement in Government that "taps fully the creative and productive capacity of the Federal work force."

SOME HISTORY

Going back to 1938, Executive Order 7916, signed by President Roosevelt, required for the first time in history the establishment of divisions of personnel management in the executive departments and in 13 of the largest agencies, each to be headed by a director of personnel. In 1947, President Truman issued Executive Order 9830, which established the role of the personnel function in the management of Federal agencies, and specifically assigned responsibility for personnel management to all who plan, direct, or supervise the work of Federal employees.

President Nixon's October 9 directive is another milestone in the development of the personnel function in Government. It is a distinct turning point toward a better personnel system which recognizes more directly the human resource implications of management decisions. For the first time in over 31 years a President of the United States has officially and specifically emphasized to his official family the importance that he attaches to the personnel function and to our personnel resources. The directive is a remarkably clear and specific set of instructions to top level managers.

Underlying the President's concern is the recognition that personnel management deals with the most essential element of every enterprise—people. It is, therefore, one of the most difficult, complex, and critical parts of accomplishing the management mission.

PERSONNEL MANAGEMENT EXPERTISE

The first major requirement in the President's memorandum is his directive to top management to develop a high order of professional competence and expertise among the personnel staff and to make the maximum use of this knowledge in managing personnel resources. More and more we are finding that old, tired methods of managing people do not fit the new programs and the changing conditions that managers encounter. This is where managers are faced with real challenge, where they face a problem or condition they must solve, but where the solution is neither evident nor easy. And this is where the expertise of the personnel staff and the involvement of the personnel director will really pay off.

The message is clear that managers must have personnel management staffs that can help them with the challenges they face. The personnel professional must have a thorough knowledge of the personnel system and the flexibilities it offers. He must be aware of new ways of motivating people, structuring jobs, evaluating performance, staffing and recruiting, and developing and using talents. He must keep in touch with new knowledge that is constantly being developed through research and experimentation in the behavioral sciences. But most importantly he must be able to translate his expertise and knowledge into solutions that are related to the manager's concern with accomplishing his mission.

To make this translation effectively, the personnel staffs must know what goes on in their agencies so that they can set their sights on overall goals, and so that they can see in perspective their own participation in reaching these goals. The personnel officer must make a real effort to understand the numerous factors that policymakers have to take into consideration. The policymaking official is very seldom a free agent because he has so many factors and influences to consider in his decisionmaking.

However, to take the fullest advantage of the personnel staff, managers need to recognize fully that nearly all significant management decisions have an impact on personnel and may succeed or fail depending upon how human resources are used. The significance in the President's message to managers is not only that there is a need to build up the staff capability to deal with the personnel implications of their decisions, but also that they should bring this capability and expertise to bear *at the time management decisions are made.*

President Nixon made quite clear his expectation that top administrators bring the personnel officer into top policymaking councils. There are real pitfalls in not consulting the personnel staff until *after* management decisions are made because in many cases the managers find that they eventually must call on the personnel staff for advice after a major fire has started.

The first requirement in the President's memorandum, therefore, is to work toward meeting the need for greater mutual understanding: Understanding by personnel officers of policy and management objectives, and understanding by agency managers of the role and contribution of the personnel officer in the management process and of the requirements and capabilities of the personnel system.

INTERNAL EVALUATION

A second requirement in the President's memorandum further upgrades Federal personnel management. The President directed each agency head to establish a system for evaluating personnel management programs within his organization, with responsibility for the establishment and review of the evaluation system assigned—and this is most important—at the level of the under secretary or principal deputy.

In the past, many agencies have relied mainly on the Civil Service Commission's inspection process for this evaluation. But the Commission's personnel management reviews could cover only a relatively small proportion of the huge and fragmented Federal bureaucracy even though there is much untapped potential for improvement. Consistently we have found in our reviews that many managers, in the midst of their immediate concerns with operating responsibilities, failed to consider the personnel implications of their decisions. Often too many managers

(and some of the same ones) take little or no action to review the effectiveness of their personnel policies and operations.

Consequently, too few field managers know how well their personnel operations are serving their program missions, and often headquarters officials do not know what problems exist at the local level. The results of the evaluations made by the Commission clearly demonstrate the importance of the evaluation process to identify problems. They also demonstrate the need for a new direction for personnel management evaluation in the Federal Government—one with greater agency and management involvement. When we consider how much our national goals are dependent on good personnel management, the evaluation job is just too big to expect the whole job to be done by the central personnel agency alone, and it is too critical to be neglected or ignored.

Our experience also clearly demonstrates the logic and practicality of more direct agency involvement. Since evaluation is really part of the management chain, without it managers cannot effectively guide and direct their programs. Also, evaluation can be most effective in bringing about improvement when it is made at the level where there is authority to make changes.

The President's directive found the personnel community, both the Commission and agency personnel directors, poised to move forward with a new direction in personnel management evaluation. The value of more agency involvement in internal evaluation was recognized by agency personnel directors. The Commission began working through the Interagency Advisory Group of personnel directors to make a start at strengthening agency internal evaluation. A number of work groups were set up early in 1969 to focus on specific parts of the new direction. The work of one of these groups resulted in a consensus on the minimum requirements for an effective evaluation system which the Commission is adopting as its standard for system adequacy.

EVALUATION RESPONSIBILITIES

Under the President's October 9 directive, both top management and the personnel staff have key roles in the evaluation scheme. One of the most significant elements of the President's message is the responsibility assigned to the under secretary or principal deputy for establishment and review of the system. This assignment does not place operating responsibility for the evaluation system at the under secretary level. The top management role is to insure that the system is effective, that the information called for is useful, that it is tied into overall management of the organization. The top managers must also insure that there is followthrough to actually achieve improvements when they are called for.

In line with the strong emphasis the President places on professional staff participation in developing and implementing management policies, the personnel director and his staff must be intimately involved in the design and operation of the agency evaluation system.

DESIGN OF THE SYSTEM

The design of the agency evaluation system is another example of the need for a responsive personnel staff and for a mutual understanding between managers and personnel management professionals. Because each system must be built to serve the agency organization and management style, the evaluation plan and the tools each organization develops may vary widely.

For example, some of the factors that must be considered in developing an evaluation plan appropriate for the organization are the nature of agency mission and functions, the extent and type of delegation of authority, the size of the agency, the types and levels of organization, the geographic dispersion of the agency, the organizational location of the personnel staff function, the relationship of personnel management to other staff functions, and other management information and review

"Managers at all levels must consider the personnel management implications of management decisions and assure that the full impact of personnel management policies and practices are taken into account."

—from President Nixon's memorandum to the heads of departments and agencies, October 9, 1969.

that managers need to direct their programs. Each one of these factors will create needs, and will impose limitations on the type of evaluation system each agency can or should establish.

Also, the availability of agency resources and staff capability will have a major part to play in deciding the methodology of evaluation; that is, whether the evaluation will be accomplished through one or a combination of methods such as on-site review, questionnaires, management reports, committee evaluations, or goal accomplishment reporting. Ideally the development of each agency evaluation plan will be a joint management-staff effort that balances management's need for evaluative information, construction of the management system, and agency resources for evaluation.

STANDARDS OF ADEQUACY

While there is room for a great deal of flexibility about how to evaluate, there are certain common elements that are essential within any organization to assure an effective assessment system.

The President gave to the Commission the job of establishing standards for adequate evaluation systems. Working with agency personnel directors, the Commission has developed a framework of minimum evaluation system requirements which will soon be issued as part of the Federal personnel system (FPM Chapter 250).

As part of each evaluation system there must be:

- A statement of the agency head's personnel management goals to support the agency mission.
- A written evaluation plan that specifies how information will be collected to determine:
  - — Whether principles of good personnel management and the Federal personnel system are being adhered to.
  - — Whether delegations of personnel management authority are being properly carried out.
  - — Whether the agency personnel management goals are being met.
- Assignment of responsibility for reporting and acting on the evaluation findings.
- Periodic reports to top management on the status of personnel management.
- Systematic followthrough on problems identified.

CSC LEADERSHIP

The Commission's inspection program—through on-site review of personnel operations with a report and recommendations to management—has played a major part in the evaluation of personnel management throughout the Government. The President's memorandum directs the Commission to continue to maintain this capability for independent review, and we will use surveys to motivate and assist in the development of effective agency systems. Our long-range objective, however, is to turn more Commission survey effort to validating agency evaluations. We will also be putting more emphasis on assistance in problem solution and on consultative activity as agencies become more involved in evaluating their operations and in earlier identification of problems.

One of the highest priorities before the Commission today is to carry out the President's directive to exercise Government-wide leadership for personnel management evaluation. In addition to establishing standards for adequate agency evaluation systems, the Commission will be mounting a major effort to help agencies in carrying out the President's goals.

We know that up to this time too little thought has been given throughout Government to developing the tools of evaluation. We must put more effort into researching evaluation methodology and techniques and testing new evaluation approaches. We need to give more attention and study to identify those indices that give us a measure of personnel management effectiveness, and we need to explore more fully the use of existing management information systems to give early signals of problems.

Another area that will be receiving Commission attention is the development of evaluation capability within agencies. To give life to the new evaluation direction, we need to build up sufficient evaluation expertise to carry it out. Managers as well as personnel staff specialists must become involved in the process. There are many avenues for building this capability—joint CSC-agency participation, interchange exchange programs, and formalized training, to name a few. Each must be explored and pursued fully.

SUMMARY

In summary, President Nixon's memorandum gives top management two major directives to follow:

- To develop and use fully the professional personnel staff in formulating and implementing personnel management policies; and
- To establish a systematic means of evaluating and improving personnel management within each department and agency.

This is a landmark directive that reemphasizes and revitalizes the importance of the personnel function in good management. #

OPERATION "MUST" IS TURNING TALENT ON

by JEAN MURRAY

OPERATION MUST has been operating for several years now, and in agency after agency its successes can be seen in terms of talent turned on—the talent of professionals freed of tasks that stand-out employees in support jobs have been encouraged and trained to do. A recent survey of Government agencies using MUST has revealed a host of benefits that agencies not yet MUST-minded should find interesting.

The MUST program—Maximum Utilization of Skills and Training—has aided Federal managers with a variety of concrete problems. Some managers reporting achievements in the MUST survey had recruitment problems, others had difficulty with turnover or morale, and still others had to increase productivity without increasing staff. In addition to solving his own particular problem, each manager who followed the MUST formula derived the three general benefits that characterize the program: (1) greater operational efficiency, (2) better utilization of available skills, and (3) greater opportunity for employees in the lower grades.

HOW DOES "MUST" WORK?

Central to the MUST concept is the redesign of a number of related jobs. In a typical MUST case the manager, in cooperation with his personnel office and other experts, examines the higher level jobs under his supervision and culls out those duties of a more routine nature. This job engineering enables him to recombine duties in such a way that he conserves the energies of his higher skill, hard-to-replace employees and makes better use of the talents of employees in the middle and lower grades. The redesign is followed by either formal or on-the-job training to enable employees to master the new duties assigned them. In many cases the support jobs resulting from the redesign can be performed by disadvantaged or handicapped persons.

The manager is often able to articulate a whole new career ladder for the support personnel with two important results. His employees do not feel dead-ended, since they can expect to increase both their skills and their incomes. And for some employees the redesigned career ladder can actually serve as a bridge to a professional or an administrative job.

There are many possible variations on the MUST formula, but essentially the program is made up of four ingredients: Job redesign, better utilization of manpower at all levels, the tapping of available talent in the labor market, and training for upward mobility.

Clearly, in any example of MUST there are two stories to be told—the story of the manager who solved an operational problem and the story of the employees whose work and whose opportunities were affected.

At the National Bureau of Standards the Chief Librarian, Mrs. Elizabeth Tate, was the manager with a problem. When Mrs. Tate took charge of the library, she desired to expand and improve its services. Trained librarians are in short supply and are difficult to recruit. Mrs. Tate studied the library carefully and decided that she could reach her goals by streamlining the work processes and more fully utilizing the personnel already on board.

Mrs. Tate personally reviewed every job in the shop, matching actual tasks against job descriptions, and estimating the skills and potential skills of her employees.

Miss Murray is a Management Intern. She wrote this article while assigned to the Standards Division, Bureau of Policies and Standards, U.S. Civil Service Commission.

Working closely with personnel generalist Tom Gilbert, she reapportioned the workload and reorganized the staff.

Four sections were condensed into three, and all purely clerical and typing positions were abolished. Except for one administrative assistant post, all nonprofessional jobs were brought into the library aid and technician occupational series.

Career ladders were identified for both aids and technicians. Systematic training was provided on the job, and employees were encouraged to attend relevant courses at area colleges and at the Department of Agriculture Graduate School. In the reorganized library the opportunities for advancement and for skills improvement have been greatly enhanced.

Employee reaction was excellent!

Miss Sophie Chumas had been in library work for many years. She had started as a grade GS–2 and had worked her way up to a grade GS–7 before coming to the NBS library. After joining the staff, she completed work for her certificate in library techniques from the Department of Agriculture Graduate School. Occasionally Miss Chumas would help an overburdened professional librarian with reference work, but her job prior to the reorganization was largely clerical in nature. Both her training and her performance on occasional routine library assignments indicated that Miss Chumas was capable of a higher level of responsibility and of substantially more professional work. As a result of the reorganization she now mans a newly created post, the reader relations desk.

"I'm very happy with the change," says Miss Chumas. "I knew I was capable of doing more and I'm grateful for the opportunity." She now spends a portion of each day staffing the reference desk and answering inquiries. She is also responsible for exhibits and special projects. Miss Chumas received a grade raise in recognition of her increased responsibility and technical services.

Miss Chumas is only one of a half dozen employees who profited from the implementation of MUST. Another employee, a young man, had been dissatisfied in the old library because he felt his abilities exceeded his routine clerical occupation. In the reorganized library he was shifted to a much more interesting job with far greater responsibility as a library technician.

But no one has been happier with the results of the reorganization than Mrs. Tate herself. With an improved mix between professional and support personnel and better utilization of employees' talents, she has increased the operating efficiency of the library and improved its service.

The District of Columbia Government applied Operation MUST in a very different situation.

The Department of Welfare had long recognized the need to provide its social workers with support personnel. Many professional social workers were so overburdened with cases that they had no time for proper follow-up activities or for providing the many small services that a welfare family needs. While these tasks do not require extensive formal training in social work, they do require a special understanding of the problems of poor families and a special ability for dealing with disadvantaged groups. The Department recognized that the recruitment and training of suitable people as case aids would relieve the professional staff and improve service to welfare clients.

The District Government cooperated with the Civil Service Commission in formulating a new support occupation and a new qualification standard covering the case aid positions. A valuable source of suitable candidates was found in the United Planning Organization's New Careers Program. By agreement with UPO, prospective case aids completed a 6-month training program, which

Shown at right, **case aid Cynthia Sadler leaves the D.C. Child Welfare Center for a busy day in the field. Her special individual services to welfare families enable social workers to focus attention on counseling and supervision.**

Below, **National Bureau of Standards chief librarian Mrs. Elizabeth Tate (left) was able to expand and improve services of this fine scientific library by better utilizing the potential skills of her employees such as library technician Sophie Chumas.**

included both classroom instruction and on-the-job experience, before joining the Department's regular staff.

Pretty, 27-year-old Mrs. Cynthia Sadler is a New Careers graduate and a case aid in the Department's Child Welfare Center.

Prior to New Careers Mrs. Sadler had worked as a nurses' aid. She applied for training at New Careers both to better her own job future and to increase her service to the community. A person with a strong social awareness, Mrs. Sadler says, "I saw so many problems. I wanted to do something to help people in the community the best I could."

Mrs. Sadler works closely with a social work supervisor in a team effort. Her primary function lies in the area of tangible services. She makes medical appointments and sees that the client gets to the clinic. She visits the home and helps the family with budgeting problems. In her close contact with the welfare families, she often uncovers problems and aspects of problems of which the Department had not been aware.

Her supervisor, Rhoda Zeney, reports that Mrs. Sadler's sensitivity to the plight of poor families has made her an unofficial consultant to the Department as well as a case aid. In one instance she was able to suggest an alternate definition of behavior that had puzzled social workers for several years. In several cases she has been notably successful in dealing with young, unstable mothers, who "open up" to her more readily than to senior workers. Because of her good relationships with clients and her general understanding of their problems, Cynthia is excellent at finding out what is really going on in the community.

The case aid program is new at the Department of Welfare, but indications are that it will continue to grow. Miss Zeney foresees the day when every trained social worker will be paired with a case aid. The Department is already enjoying the MUST benefits of the program. It has increased the time senior social workers can spend on counseling and supervision; it has improved operations and service to the public; and it has provided career opportunities for a talented but underutilized group of workers.

An unusual and very interesting example of Operation MUST was reported by the Department of Labor. In the Wage Determination Division, formerly in the Solicitor's Office, the impetus for MUST came neither from management nor from personnel administrators, but from the employees themselves.

Clerical workers in the Division complained to the Solicitor that they were dead-ended at grade GS–5, although they felt they possessed the ability to perform wage determination work at higher levels. In some instances, the workers contended, they were already performing the duties of higher level jobs due to recruitment problems and high turnover among the professional staff.

The Solicitor was sympathetic. The Division had indeed experienced difficulty in retaining employees in the GS–7/11 grades. The work, which involves rendering wage decisions under the Davis-Bacon Act, had originally been designed for attorneys. Many attorneys had found it too detailed and repetitive, however, and recruitment was tried among candidates from the Federal Service Entrance Examination register. The Division experienced high turnover with the FSEE's as well.

The Division definitely had a staffing problem where the journeyman wage analyst positions were concerned. Although most of the dead-ended GS–5 wage determination clerks were unable to qualify on the FSEE, they felt that their familiarity with the work, augmented by training, would enable them to function properly in these jobs. The clerks were for the most part long-term civil servants with 5 to 10 years in grade.

Pictured left, **conferring on the location of a patent are patent classifying technicians Raymond Johnson (left) and Clark Beckett. They were among the original 12 aids trained at the Patent Office to help alleviate the heavy workload of patent classifiers.**

Below, **Mrs. Emilie B. Curtis, a former wage determination clerk who has been promoted to wage analyst, enjoys her increased job responsibilities. She is shown in her office at the Department of Labor working on a wage decision for the construction industry.**

A solution was found in the redesign of the entire career ladder for the wage analyst field. Entrance into the field is now at the GS–4 level for wage determination clerks, and an intermediate level was created at GS–5/7 for wage determination assistants. The GS–7 level is actually a development position for the journeyman job at GS–9, and a number of positions exist at GS–11.

Many of the formerly dead-ended clerks are now functioning as full analysts at grades GS–9 and GS–11. Training in the provisions of the Davis-Bacon Act was provided within the Division, and employees were sent to in-house courses to improve their skills in such areas as letter writing.

Mrs. Emilie B. Curtis was one of the original wage determination clerks who felt they could perform effectively in the higher level jobs. Mrs. Curtis has been in Government service since 1942. She began her career as a GS–2 clerk in a Defense agency and subsequently worked for the Departments of Interior and Commerce before coming to Labor. She, along with most of the other clerks, moved up through the redesigned ladder in accordance with merit staffing policies as vacancies occurred. Now a GS–11 wage analyst, Mrs. Curtis enjoys the increased responsibility and increased recognition of her job. She also feels that a significant change has taken place among employees in the Division. "I think morale is much higher now that we know advancement is possible," she says. "We can work towards that end."

A supervisor in the Division commented, "I think overall the plan has worked very well. These people work hard and want very much to do a good job." And another supervisor added, "The job for management here was to bring out the skills of these people. They were there, but we had to try to raise the level." As a result of the job redesign, the Division no longer suffers from recruitment difficulties or from high turnover, and a potentially serious morale problem has been solved.

The U.S. Patent Office boasts the oldest MUST project reported in the survey with its Patent Classifying Aid Program, started in 1965. The program is an unqualified success, with 9 of the original 12 aids still on board and performing satisfactorily at 4 and 5 grade levels above their original jobs.

The aid program was designed to solve a serious operational problem at the Patent Office. The small, highly trained staff of patent classifiers simply could not be expanded to keep pace with the constantly increasing volume of patents to be read and classified. It was recognized that the patent classifiers would be greatly relieved and their technical skills better utilized in revising the classification system itself, if the raw work of classifying could be done by a corps of technicians, working under their supervision. But there were no such people available in the labor market! The Patent Office decided to try to "create" them from talented, underutilized personnel in the clerical force.

Clark Beckett was the program's pioneer, and following his successful adaptation to the work, eleven more aids were chosen from interested clerical personnel on a competitive basis. Patent classification is an intricate business, involving an understanding of difficult scientific concepts and sometimes requiring research in foreign languages. An extensive training program was designed, with senior classifiers taking on the teaching duties.

The classifiers reaped the benefits of their efforts in competent technical assistance. For the aids and technicians the benefits were varied and far-reaching, with two of them—higher grade level and more interesting work—outranking all others. Clark Beckett, who had been dead-ended in a lower-level clerical job, is now a GS–9 classifying technician. Comparing the content of his old job with that of his new one, he said: "A patent used to be no more than a number to me, and if you could count from one to ten, you could do my job. What I'm doing now is challenging. Every time you read a patent you learn something, and you can wind up knowing more about a particular area than anyone else in the world."

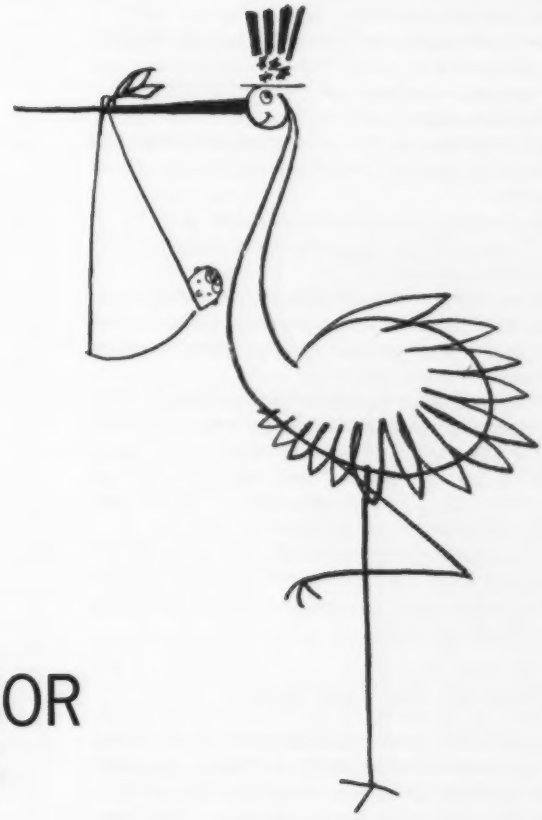
Raymond Johnson, another member of the original 12, started out in the mail room. Articulate and able, he refused to be dead-ended and searched his agency for advancement opportunities. When the aid program was announced, he responded readily. Now a technician in the general chemistry area, he is still a young man with an eye on the future. Mr. Johnson is studying computer science at the Department of Agriculture Graduate School in preparation for the expected installation of a computer-aided search system at the Patent Office.

The Patent Office is justly proud of its MUST achievement in remedying a serious imbalance between manpower and workload. In fact, the only criticism of the program to be heard at its Crystal Plaza offices is that there just aren't enough aids and technicians to go around.

The foregoing examples of MUST could be multiplied many times over from the CSC's survey. MUST is as applicable to blue-collar jobs as to white-collar jobs, and it has worked as well in regional offices and field installations as in central offices. Despite the many achievements reported, however, Operation MUST has only just begun.

If Federal agencies are to conserve the talents of their scarce, trained manpower, utilize and develop personnel at all levels, and meet increasing program and workload challenges, the principles of MUST *must* be applied throughout the Federal service. The Commission is pleased that so many agencies have put Operation MUST to work, and we will be glad to furnish additional information and technical assistance to others interested in the possibilities that this program of job redesign offers.

#



A new start in FEDERAL LABOR RELATIONS

by
W. V. GILL
Executive Director
Federal Labor Relations Council

FEDERAL MANAGERS and union officials have been dealing with one another for the past 8 years under the terms of Executive Order 10988. Today we have a new policy and a new system for dealings, established by Executive Order 11491, *Labor-Management Relations in the Federal Service*. It was signed by President Nixon on October 29, 1969, and became effective on January 1, 1970.

Executive Order 11491 retains many of the features of the former order. Yet its changes are so substantial that it opens a new chapter in the system of relationships between unions and agencies in the Federal service. In this article, I will explore some of these changes, the reasons for them, and the expectations and challenges of the new program.

MR. GILL was Assistant to the Chairman and Director, Office of Labor Management Relations, U.S. Civil Service Commission until recently. He was Chairman Hampton's alternate on the committee whose report and recommendations on labor management relations in the Federal service resulted in Executive Order 11491.

CONTINUITY OF PRINCIPLES

There is a continuity of basic principles from the old to the new order.

Program concepts that remain basically unchanged are:

• The system of labor-management relations in the Federal service is structured to fit the special circumstances and needs of the Federal Government, including: The inter-relationships between the Congress and the execu-

tive branch; the nature, range, and national impact of Federal programs; the complexity and size of agency operations; and the responsibility of the Government to govern in the public interest.

- The Civil Service merit system remains the keystone of personnel policy in the Federal Government.
- In all the operations of Government the public interest is paramount.
- Each employee has the right to decide for himself if he wants to join or to refrain from joining a labor organization.
- The continuity of Federal operations must be assured. As prescribed by law, employees may not strike against the Government.
- The well-being of employees and the efficient administration of the Government require a defined system of relationships between labor organizations and agency managers.
- Employees have a right to participate through their chosen representatives in determining the personnel policies and working conditions that affect them on the job.
- Unions have a legitimate and recognized role to play in representing Federal employees, and attendant rights and obligations in carrying out that role.
- Both management and unions have an obligation to deal with each other in a positive and responsible manner and in accordance with the conditions and procedures established under the order.

CHANGING TO THE NEW ORDER

Executive Order 10988 worked well in its time and produced some excellent results. It established an orderly system of relationships between unions and Federal management where there had been none before. Employees were given greater opportunity to participate in the making of personnel policy. Unions achieved increased stature, gained membership and stability, and acquired more strength in representing employees. Agencies benefited through improved communications with employees.

But as union representation grew, and dealings between unions and agencies increased in depth and range, it became apparent that conditions had changed since Executive Order 10988 was issued in 1962. Problems in program structure and operations appeared and gave rise to expressions of dissatisfaction by both agency and union officials. As early as 1966, the Commission, working with the Labor Department and other agencies, began to review the experience of management and unions under the order to identify problem areas and to explore the possibilities of change. In September 1967, the President established a Review Committee on Federal Employee-Management Relations to evaluate experience under Executive Order 10988 and to recommend adjustments needed to insure the continued vitality of the labor relations program.

The Review Committee held public hearings in October 1967, at which unions, agency officials, and non-governmental experts expressed their views on what the program had accomplished and where it was deficient. The review and evaluation of the program continued during 1968. Draft recommendations were prepared; but because of disagreement within the Committee they were not transmitted to President Johnson before he left office.

INTERAGENCY STUDY COMMITTEE

Shortly after President Nixon assumed office, he asked Civil Service Commission Chairman Robert E. Hampton to form a new committee of high-level administration officials to conduct a current study of the Federal labor-management relations program. Besides the CSC Chairman, they were Secretary of Defense Melvin R. Laird, Postmaster General Winton M. Blount, Secretary of Labor George P. Shultz, and Bureau of the Budget Director Robert P. Mayo.

Their alternates were Assistant Secretary of Defense Roger T. Kelley, Assistant Postmaster General Kenneth A. Housman, Assistant Secretary of Labor Willie J. Usery, Jr., Bureau of the Budget Assistant Director Roger W. Jones, and myself.

After an intensive analysis of program operations and problems under Executive Order 10988, including the material and testimony obtained by the Review Committee, a report and recommendations were agreed to and forwarded to the President in September 1969.

In fashioning Executive Order 11491, it was our intention not only to develop policies and procedures that would alleviate problems and deficiencies found in the program under the old order, but to construct an up-to-date and forward-looking policy for Federal labor-management relations in the 1970's.

We found several areas of deficiencies in the existing program. These included: Lack of a central authority to administer the program; inadequate third-party involvement in resolving union-management disputes; weakness, delays, and lack of finality in the negotiation process; undue limitations on the scope of negotiation; inadequate criteria for the determination of appropriate units; unproductive multiplicity in levels of recognition; absence of a clear delineation of the role of supervisors; and lack of union financial reporting and disclosure requirements.

FEATURES OF THE NEW ORDER

The new order addresses itself to these problems. The solutions it provides will not please everybody. In labor relations there is much room for diversity of opinion, and there are some areas where differing interests make mutuality of views difficult to achieve. I believe, however, that we have constructed a balanced program, fair to all concerned, well integrated and workable. Here are some of its principal features.

CENTRAL AUTHORITY

The Council. The order establishes a Federal Labor Relations Council, consisting of the Chairman of the Civil Service Commission, the Secretary of Labor, an official of the Executive Office of the President, and other officials as the President may designate. The CSC Chairman is Chairman of the Council.

The Council will administer and interpret the order, decide major policy issues, prescribe regulations, review certain negotiability issues and requests for exceptions to arbitration awards, consider appeals from decisions of the Assistant Secretary of Labor for Labor-Management Relations, and make reports and recommendations to the President.

On the last point, it is interesting to note that, when the President signed the order, he said that the Council should make an annual review of how the program is working. This served to emphasize the fact that labor-management relations is a dynamic area of continuing change. The Council provides a vehicle for policy adjustment to keep pace with changing conditions.

Policy decisions by the Council will help to dissolve a large number of accumulated dissatisfactions on the part of both agencies and unions and to develop consistent policy Government-wide. Under the old order, authority to operate the program was vested in the head of each department and agency. This placed the agency in the frequently awkward position of acting both as the employer dealing with a union and as the final authority on policy questions affecting the union-management relationship. Agencies wanted out of this situation, and so did the unions. Now, decisions as to the rules for dealings between unions and agencies will be made by the Council, and the agencies will have greater latitude to act as employers.

The Assistant Secretary. The Assistant Secretary of Labor for Labor-Management Relations will be the central authority on administrative disputes. He decides which union is eligible to deal with an agency for which group of employees. He makes final decisions, subject to limited appeal to the Council, on all cases involving unit determinations and representation disputes.

He supervises elections and certifies which union is eligible to represent employees on an exclusive basis. He resolves disputes as to eligibility for "national consultation rights." He investigates and decides Standards of Union Conduct cases and makes decisions on unfair labor practice charges not otherwise covered by established agency grievance or appeals procedures. He has the authority to require an agency or union to cease or desist from violation of the order on these matters and to take appropriate affirmative action.

Heretofore, each agency had to decide many of these disputed matters itself, even though it was a party at interest. This tended to interfere with the development of a healthy, constructive relationship between the agency and the union.

For example, agencies have been caught in the crossfire between competing unions in strongly contested elections. The agency had to run the election. Then it had to sit down as the employer and deal with the winning union, when it had just got through an election fracas involving that union.

Under the new order, the Assistant Secretary will tell the agency: Here is the certified union representing your employees; deal with that union; and if either of you believes the other party is not dealing in good faith, come back and see me.

FMCS and the Impasses Panel. Employees in the Federal service do not have a right to strike. This is a matter of law (5 U.S.C. 7311). In the private sector, the strike or the possibility of one is the basic weapon of the union in advancing its demands at the bargaining table; the lockout is the comparable weapon of the employer. In the Federal service where these pressures are absent from the negotiation process, negotiations have continued in some cases for many months without an agreement. To take care of these situations, an alternative to the strike or lockout is needed to assist the parties to achieve finality in negotiations.

A two-element alternative is provided by the new order. One is the use of the Federal Mediation and Conciliation Service. The FMCS will now extend its expertise in dispute resolution to the Federal sector of the economy, providing assistance to Federal agencies and unions in the resolution of negotiation impasses. The other element is the Federal Service Impasses Panel, consisting of three members appointed by the President. If mediation is unsuccessful, the Panel has authority to take whatever action is necessary to resolve the impasse.

However, the impasse procedures are designed to exert pressure on the parties to the negotiation to resolve their differences by themselves, not to hand them over to a third party. Mediation is available where it will be useful; and either party may, if mediation fails, request the Panel to consider the matter at issue. But neither party has assurance that going to the Panel will win for it what it might have been able to obtain at the negotiation table. The Panel has full discretion to act or not act on any dispute. It may send the issue back to the parties, refer the dispute to factfinding, or settle the dispute by other appropriate action.

RECOGNITION

Informal and formal recognition, including national formal, are to be abolished. Existing informals terminate on July 1, 1970; formal recognitions terminate under regulations to be issued by the Council before October 1, 1970. National formal recognition is to be replaced by "national consultation rights," with the criteria for according such rights to be established by the Council. Thus, exclusive recognition will shortly become the only form of recognition in the Federal service. Exclusive recogni-

tion will be determined only on the basis of majority vote in a secret ballot election supervised by the Assistant Secretary of Labor.

Informal and formal recognition served their purpose back in 1962 and in the early years under Executive Order 10988 as arrangements to assist agencies and unions in making the transition to the then new system of employee-management cooperation in the Federal service. Informal proved to be little more than a nuisance. Formal recognition initially provided a useful continuum of consultative relationships pending the development of a structure of exclusive recognition.

Exclusive union representation has now grown to the point where such assistance is not needed. Under the new program, the unions that are to speak as the voice of the employees will be only those chosen by a majority of employees to act on their behalf.

NEGOTIATIONS AND AGREEMENTS

The new order makes a number of changes designed to clarify which matters are subject to and which are excluded from negotiation. For example, while the technology of performing the work of the agency is not a matter subject to negotiation, this does not preclude the parties from agreeing to appropriate arrangements for employees adversely affected by the impact of technological change.

A major advance is the procedure established for resolving questions of negotiability, which should greatly facilitate the completion of agreements. Another change with similar effect is the limitation of agency headquarters review of locally negotiated agreements only to questions of conflict with law or regulations.

The dignity and status of negotiated agreements is further enhanced by the provision that changes in agency regulations, unless they are required by law or other authority outside the agency, will not override the terms of an agreement. The agreement holds until it comes up for renewal or expires. At that time it will have to be brought into conformance with agency regulations.

Agencies are expected to increase, where practical, delegation of authority on personnel policy matters to local managers to permit wider scope for negotiations; and, where feasible, to authorize exceptions from agency regulations when requested by both parties on specific issues.

To make the program work, both agencies and unions are expected to negotiate in good faith. They must come to the table with intent to reach agreement. Negotiability issues should be resolved as rapidly as possible; and both parties should be prepared to state their positions on proposals and counterproposals and to support their positions with fact and explanation. While neither party is required to agree to a particular proposal, the essence of good-faith negotiation is a sincere attempt by both parties to find enough common ground among the proposals and counterproposals to develop a mutually acceptable agreement. The new order provides the means to achieve more substantive agreements, negotiated and approved in shorter periods of time than has been the situation in the past.

SUPERVISORS

A recurring problem under the previous order was the status of supervisors under the program and their relationship to unions representing rank-and-file employees.

The new order excludes supervisors from coverage under the labor-management relations program. Supervisors may continue to be members of any labor organization, but they may not, with minor exceptions, be represented by or serve as officers or representatives of any recognized labor organization. A separate system for communication and consultation with supervisors and associations of supervisors is to be established by each agency.

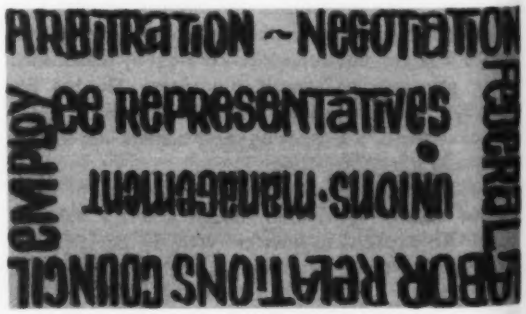
Supervisors have been brought completely over onto the management side, as was done in the private sector by the Taft-Hartley Act more than 20 years ago. There may be some problems in making this change, although a definition of "supervisor" is given in the order. The result should be more effective labor-management relationships, beneficial to both unions and management.

SUMMARY

There are other changes in the program which I have not discussed, such as the new requirement for union financial and other reporting, new criteria for unit determinations, a requirement that union representatives negotiate on their own time, separate recognition for units of guards, and extension of the program to non-appropriated fund employees. These and others are significant; and altogether these changes add up to a major revision of policy and practices governing labor relations in the Federal service.

I believe that we have an order which provides fairness to both unions and agencies, adequately protects the interests of individual employees, and makes possible substantial improvements in labor relations in the Federal Government. The policies and machinery are there. Our challenge is to make it work.

#



A Look at LEGISLATION

Personnel legislation enacted by 91st Congress, first session, and approved by the President, as of November 19, 1969:

APPOINTMENTS (AGE LIMITS)

Public Law 91–73, approved September 26, 1969, authorizes the Secretary of the Interior to establish age limitations for the original appointment of new recruits to the United States Park Police.

CONFLICT OF INTEREST

Public Law 91–121, approved November 19, 1969, authorizes appropriations for military procurement. Section 410 requires certain former military officers in the grade of major and above and certain former employees of the Department of Defense in grades GS–13 and above, who are employed by defense contractors (awarded $10 million or more in a fiscal year) to file certain reports with the Secretary of Defense beginning with fiscal year 1971, concerning present and former employment including, among other things, job descriptions, salary, and date released from active duty or of termination of civilian employment. The Secretary of Defense is required to submit to Congress by the end of each calendar year a list of such persons along with other appropriate information.

PAY

Public Law 91–34, approved June 30, 1969, amends subchapter VI, of chapter 53, title 5, United States Code, by adding a new section 5365 to revise the pay structure of the police force of the National Zoological Park.

Public Law 91–67, approved September 15, 1969, amends section 104 of title 3, United States Code, to increase the annual compensation of the Vice President from $43,000 to $62,000. Section 2 amends section 601(a) of the Legislative Reorganization Act of 1946, as amended, to increase the annual compensation of the Speaker of the House from $43,000 to $62,000; and the annual compensation of the Majority and Minority Leaders of both the House and the Senate from $35,000 to $49,500.

PERSONNEL CEILING

Public Law 91–47, approved July 22, 1969, the Second Supplemental Appropriations Act, 1969; section 503 amends section 201 of the Revenue and Expenditure Control Act of 1968 (Public Law 90–364) by repealing the limitation on the number of employees who may be appointed to positions in the executive branch of the Government.

RETIREMENT

Public Law 91–93, approved October 20, 1969, amends subchapter 83, title 5, United States Code, to improve the financing of the civil service retirement system, and to liberalize benefits.

Title I, Civil Service Retirement Financing, requires that: (1) contribution rates of employees and their agencies be increased from 6½ to 7 percent of pay for employees generally, from 6½ to 7½ percent for congressional employees, and from 7½ to 8 percent for Members of Congress, beginning in January 1970; (2) the Government fully finance future unfunded liabilities resulting from benefit liberalizations through direct appropriations to the fund in equal annual installments over a 30-year period; and (3) that the Secretary of the Treasury make an annual payment to the retirement fund equal to the full amount of annuity payments resulting from crediting military service toward civil service retirement.

Title II, Civil Service Retirement Benefits, contains the following provisions: (1) reduces time used to determine average pay for annuity computation purposes from 5 to 3 years; (2) credits unused sick leave for annuity computation purposes (but not for determining either average pay or eligibility for retirement), allowing approximately 1 month's service credit for each 22 days of unused sick leave in computing an employee's annuity or that of his surviving spouse; (3) adds 1 percent to the actual change in Consumer Price Index in granting each cost-of-living annuity increase; (4) removes the 15-year limitation concerning the special computation for congressional employees, and grants the same benefit formula that applies to Members of Congress; (5) extends the remarriage provisions to certain surviving spouses whose marriage occurs on or after July 18, 1966; (6) extends annuity protection to survivors of Federal employees by reducing the necessary service from 5 years to 18 months; and (7) increases annuities for employees retiring on disability as well as the annuities of all surviving children now on the rolls and those who will receive annuity in the future.

TRAVEL

Public Law 91–114, approved November 10, 1969, amends title 5, United States Code, to increase the maximum per diem allowance for employees traveling on official business from $16 to $25 a day, the maximum reimbursement for employees authorized to travel on an actual expense basis from $30 to $40 per day, and the maximum additional allowances for travel outside the continental United States from $10 to $18 per day in addition to the maximum authorized for the country in which the travel is performed. The Act also amends the Legislative Branch Appropriations Act of 1957 to increase the maximum per diem allowance for Senate members and employees engaged in official travel.

Status of major personnel legislation on which some action was taken by the 91st Congress, as of November 19, 1969:

EMPLOYEE-MANAGEMENT RELATIONS

S. 2460 provides for improved employee-management relations in the Federal service.

Hearings began in the Senate; pending before the Senate Post Office and Civil Service Committee.

H.R. 4803 and related bills provide for improved employee-management relations in the postal service.

Hearings began in the House; pending before the Postal Operations Subcommittee of the House Post Office and Civil Service Committee.

HEALTH BENEFITS

S. 1772 amends title 5, United States Code, to change the Government's contribution to the premium cost for health benefits by eliminating the present dollar amounts and setting the contribution at amounts equal to one-half of the less expensive of the two Government-wide high option plans. This would increase the Government's biweekly contribution from $1.68 to $3.33 for self-only enrollment and from $4.10 to $8.13 for a family enrollment in most cases.

Hearings completed in the Senate; pending before the Senate Post Office and Civil Service Committee.

INTERGOVERNMENTAL PERSONNEL

S. 11, the Intergovernmental Personnel Act of 1969, as passed the Senate, includes the following provisions:

Title I provides for the President to appoint an advisory council on intergovernmental personnel policy from Federal and State Governments, educational and training institutions, public employee organizations, and the general public to study and make recommendations to the President and Congress on intergovernmental personnel policies and programs.

Title II authorizes the Civil Service Commission to make grants to States, and under certain circumstances directly to local governments to develop programs to strengthen State and local governments and to furnish personnel administration services to State and local governments; permits the Civil Service Commission to join State and local governments in cooperative recruiting and examining activities on a shared-cost basis and to coordinate its activities with similar authorized Federal programs.

Title III authorizes Federal agencies to provide, on either a nonreimbursable or a reimbursable basis, training for State and local employees by admitting them to training programs for Federal employees, and by providing or conducting training for those engaged in grant-in-aid programs. It authorizes the Civil Service Commission to make grants to State and local governments to carry out training and educational programs, and to support Government Service Fellowships for their employees at educational institutions for periods of full-time graduate study, not exceeding 2 years.

Title IV authorizes the assignment or detail of employees, with their consent, between the Federal Government and State and local governments for periods up to 2 years, and provides for extending such assignments for not to exceed 2 additional years under certain conditions. It provides that Federal employees so assigned would suffer no loss of employee rights or benefits.

Title V authorizes the Civil Service Commission to administer and coordinate the provisions of the Act. It establishes a revolving fund to be available without fiscal year limitation, to finance training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act.

Passed Senate; hearings began in House on S. 11 and similar House bills, before the Special Subcommittee on Education of the House Committee on Education and Labor; pending before the Subcommittee.

LEAVE

H.R. 12979 and identical S. 2922 amend title 5, United States Code, to permit employees of the Federal Government and of the District of Columbia to serve as witnesses in certain judicial proceedings without loss of pay or charge to annual leave.

House bill passed the House; pending before the Senate Judiciary Committee. Senate bill is pending before the Senate Post Office and Civil Service Committee.

LEAVE AND RELATED BENEFITS

S. 3016, the Economic Opportunity Amendments of 1969, Section 10, amends title 5, United States Code, to extend to former VISTA volunteers who are, or who become, employees of the Federal Government, the same

length of service credit now accorded former Peace Corps volunteers for purposes of leave entitlement, seniority, reduction in force, and retirement credit providing an appropriate contribution is paid into the retirement fund.

Passed Senate; pending before House Education and Labor Committee.

PAY

H.R. 13000, the Federal Salary Comparability Act of 1969, as passed the House, amends titles 5 and 39, United States Code, as follows:

Section 2 amends section 5301 of title 5, United States Code, to establish a permanent method of annual comparability adjustments, based on rates paid in private industry, for the General Schedule, Postal Field Service Schedule, Foreign Service Schedule, and the schedules for physicians, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration; and amends section 5302 to establish a permanent Federal Employee Salary Commission and a Federal Employee Salary Board of Arbitration; requires the Salary Commission to make annual reviews of the comparability within and between the various Federal pay systems and to make recommendations to the Congress. In the event the Salary Commission fails to agree on the adjustments, the Board of Arbitration will be called upon to make final and conclusive decisions.

Section 4 amends section 3552(a) of title 39, United States Code, to reduce the within-grade waiting period for steps 2 through 7 of the Postal Field Service from 52 to 26 calendar weeks and for Postal Field Service 8 and above from 156 to 52 calendar weeks.

Section 5 amends title 39, United States Code, to automatically increase the compensation of employees in levels 1 through 11 of the Postal Field Service by advancing them 2 steps or the equivalent of such increases for employees in the top 2 steps; and to authorize the Postmaster General to increase the compensation of employees in level 12 and above.

Section 6 amends sections 5545(c)(2) of title 5, United States Code, to authorize agency heads to grant additional compensation on an annual basis to certain employees who perform substantial amounts of irregular unscheduled overtime duty, and duty at night, on Sundays, and on holidays. The annual additional rate may not be less than 10 percent, nor more than 25 percent, of that part of the employees' base pay that does not exceed the minimum rate for General Schedule 10.

Section 7 amends section 5942 of title 5, United States Code, to provide authority to pay an allowance not to exceed $10 per day to defray the commuting expenses of certain employees of executive agencies assigned to duty at remote work sites, subject to regulations prescribed by the President, to establish the rates to be paid and to define and designate those sites and groups of positions to which the rates apply.

Section 8 amends Subchapter IV of Chapter 59, title 5, United States Code, by adding a new section 5947, to authorize the Corps of Engineers, Department of the Army, to furnish an appropriate allowance to certain employees, in lieu of quarters and subsistence, when circumstances prevent the furnishing of the quarters or subsistence.

Passed the House; pending before Senate Post Office and Civil Service Committee.

POSITION CLASSIFICATION

H.R. 13008, the Job Evaluation Policy Act of 1969, directs the Civil Service Commission to prepare a comprehensive job evaluation plan for all civilian positions in the executive branch, which if adopted would replace all the evaluation systems now being used (e.g., General Schedule, Postal Field Service, Foreign Service, TVA, etc.) and would be supervised, managed, and revised by the Civil Service Commission.

Hearings began before the Position Classification Subcommittee of the House Post Office and Civil Service Committee; pending before the Subcommittee.

POSTMASTER APPOINTMENTS

S. 1583 eliminates Presidential nomination and Senate confirmation of postmasters at first, second, and third class post offices and provides that all appointments be made by the Postmaster General.

Passed Senate; pending before House Post Office and Civil Service Committee.

H.R. 4, the Postal Reform Act of 1969—Title II, contains similar provisions to S. 1583.

Hearings completed in the House; pending before House Post Office and Civil Service Committee.

SUPERGRADES

S. 2325 and H.R. 12476 amend section 5108, title 5, United States Code, to increase the number of positions which may be placed in grades GS–16, GS–17, and GS–18 as follows: increases from 2,577 to 2,727 the number of positions which the Civil Service Commission may place in grades GS–16, GS–17, and GS–18; increases from 28 to 44 the number of such positions for the Library of Congress; increases from 64 to 90 the number of such positions for the General Accounting Office; increases from 110 to 140 the number of such positions for the Federal Bureau of Investigation; and removes the quota restrictions on the number of top-level engineering and scientific positions in the National Security Agency.

Hearings completed in Senate on S. 2325; pending before the Senate Post Office and Civil Service Committee. Hearings completed in House on H.R. 12476; pending before Subcommittee on Manpower and Civil Service of the House Post Office and Civil Service Committee.

—Ethel G. Bixler

the FEDERAL EMPLOYEE'S RIGHT to SPEAK

by ANTHONY L. MONDELLO

General Counsel
U.S. Civil Service Commission

ANY ANALYSIS of judicial decisions during the decade just passed would be deficient if it failed to note an increased swing of the pendulum toward recognition of the rights of people. Even more significant, in reviewing the sixties, is the continuation and expansion of judicial recognition that government employees are people, or, put another way, that a person does not lose his constitutional rights by becoming a government employee.

At the same time, a student of history would probably characterize the sixties as the decade of dissent. He would be struck by the increase of types of dissent and the number of dissenters. Campus disorders over disagreement with university policies, draft-card burnings and other incidents showing displeasure with the Selective Service System, and anti-Vietnam war protests of various kinds are some of the examples.

Toward the close of the decade it became apparent that the question of whether, and to what extent, the constitutional right of the government employee to speak entitled him to dissent would have to be answered in the seventies. This article is written not to provide the answers, but in the hope that the reader will be enabled to see more clearly what the questions are.

FIRST AMENDMENT

In pertinent part the First Amendment reads as follows:

> "Congress shall make no law * * * abridging the freedom of speech * * *."

The courts have ruled that this and other provisions of the Bill of Rights were made applicable to State action by the due process clause of the Fourteenth Amendment. Thus, its reach extends to persons subject to action by State and the Federal Governments.

Over the years there have been a number of judicial decisions interpreting and applying the freedom of speech

Vs the NEED FOR RESTRAINT

provision of the First Amendment to different situations. However, the definitive court decision in the freedom of speech area is of recent origin.

NEW YORK TIMES *v.* SULLIVAN

The case is that of *New York Times* v. *Sullivan,* decided March 9, 1964. In this case, local Alabama law enforcement officials sued the New York Times and certain civil rights organizations for damages in libel because the newspaper printed an advertisement, paid for by the civil rights organizations, which excoriated the officials for their part in dealing with local civil rights demonstrations. It cannot be disputed that the advertisement contained several inaccuracies and was unduly defamatory in certain respects. The plaintiff won a judgment of $500,000, which was upheld by the Alabama Supreme Court. The United States Supreme Court reversed, relying solely on First Amendment grounds. Its ruling stands for the proposition that a person will not suffer legal liability for critical speech or writing unless what he says or writes is maliciously false or is stated with reckless disregard for the truth.

The court placed heavy reliance on history, and reviewed the pronouncements of several of the framers of the Constitution. In so doing, the court asserted that it had found a "key" to the meaning of the First Amendment—that the First Amendment had a "central meaning"—that it had a core of protection of speech without which democracy cannot function. According to the court, the right of public discussion of the stewardship of government by public officials was, in the framers' view, the fundamental principle of the American form of government.

What is most important in this case is that the court found each citizen had not merely the right, but the duty, to criticize. It justified this finding of duty on the basis

that the "maintenance of the opportunity for free political discussion, to the end that Government may be responsive to the will of the people, and that change may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system."

The court also said that "debate on public issues should be uninhibited, robust, and wide open, and that it may include vehement, caustic, and sometimes unpleasantly sharp attacks on Government and public officials."

TURNER *v.* KENNEDY

The *Times* decision did not concern a citizen who was a public employee. The question of the right of a public employee to criticize government officials, absent actual malice, arose within a month after the *Times* decision.

The case of *Turner* v. *Kennedy* involved an FBI agent who had been dismissed after having written letters to a Senator and a Congressman alleging certain irregularities in the Oklahoma City office of the FBI. He was dismissed, and filed suit in the United States District Court for the District of Columbia. Plaintiff asserted he was exercising his statutory right to petition Congress, a right stated in section 7102 of title 5 of the United States Code. Turner lost in the District Court and the Court of Appeals affirmed that decision without opinion.

Only Judge Fahy spoke to the issues raised by the case. He examined the legislative history of the statute and concluded that it was intended to encompass petitions arising from work grievances. This legislative background, and the relationship of the provision to the First Amendment right to petition, indicated to Judge Fahy that the exercise of the right to petition could not depend on a "subsequent audit" showing that the statements were true, responsible, and justified. He urged that the statute be interpreted to incorporate a standard similar to that established by the Supreme Court in the *Times* decision.

SWAALEY *v.* UNITED STATES

No further cases of related significance were decided until the decision of the Court of Claims in *Swaaley* v. *United States* in May 1967. Swaaley, an employee of the Brooklyn Navy Yard, wrote a letter to the Secretary of the Navy complaining about promotional practices at the Yard and naming three supervisors as "mostly responsible for these unethical promotional policies." "Then," as the court said, "needless to say, the roof fell in on the plaintiff." He was discharged for making "unfounded" statements in his letter. His superiors termed his statements unfounded merely because Swaaley had not provided sufficient information to convince them that all his statements were true.

The court, on the basis of *New York Times* v. *Sullivan,* found for plaintiff and said that the doctrine of that case applies to Federal employees' petitions. The court concluded by saying that, "We hold that a petition by a Federal employee to one above him in the executive hierarchy is covered by the First Amendment and, if it includes defamation of any Federal official, protection is lost only under the circumstances in which a newspaper article would lose such protection if it defamed such official."

PICKERING *v.* BOARD OF EDUCATION

The *Pickering* case involved a non-Federal schoolteacher who was discharged because of publication of a letter he wrote to the editor of his local paper. The letter criticized the way in which the Board of Education was allocating the school's financial resources. Pickering taught classes in one school of a multi-school educational system. He did not work directly with the school board he criticized, nor did he have a close or confidential relationship to any of its members.

On June 3, 1968, the Supreme Court ruled that the letter writing was not a proper cause for discharge because the teacher was exercising his right to speak on issues of public importance. At the same time the court specifically pointed out that—

"It is possible to conceive of some positions in public employment in which the need for confidentiality is so great that even completely correct public statements might furnish permissible ground for dismissal. Likewise, positions in public employment in which the relationship between superior and subordinate is of such personal and intimate nature that certain forms of public criticism of the superior by the subordinate would seriously undermine the effectiveness of the working relationship between them can also be imagined. We intimate no views as to how we would resolve any specific instances of such situations, but merely note that significantly different considerations would be involved in such cases."

The basic teaching of the case may be summed up in these words of the court:

"The theory that public employment which may be denied altogether may be subjected to any conditions, regardless of how unreasonable, has been uniformly rejected. At the same time, it cannot be gainsaid that the State has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general. The problem in any case is to arrive at a balance between the interests of the teacher, as a citizen, in commenting upon matters of public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees."

PICKERING'S PROGENY—ONE

Meehan v. *Macy*. Meehan was a member of the Canal Zone Police Force and president of the local policeman's union. Shortly after the rioting which broke out in the Canal Zone in 1964 had been quelled, Meehan was invited to a meeting at which the Governor's plan to admit Panamanian Nationals to the police force was discussed. The day after the meeting, Meehan criticized the plan to representatives of the news media and a week or so later he prepared and circulated an anonymous letter urging recipients to write their Congressmen and voice their opposition to the plan. Attached to the letter was a poem which contained a burning attack on the Governor and his policies.

Meehan was discharged on three grounds. The Court of Appeals for the District of Columbia Circuit ruled that two of the grounds were invalid. The one remaining charge is of particular interest to this discussion because it alleged conduct unbecoming a police officer in publishing the letter and poem containing derogatory and libelous statements about his superior, made in a sarcastic and contemptuous manner. Thus, the *New York Times* and *Pickering* decisions are immediately brought into focus.

The *Meehan* case was argued before a three-judge panel of the Court of Appeals for the District of Columbia Circuit and reargued before the full court. A final decision has not yet been made because the court ultimately remanded the case to the Civil Service Commission to decide whether or not the one remaining charge was sufficient to justify removal. However, the opinions of the court, particularly in relation to the one charge left standing, do shed some light on how the *New York Times* and *Pickering* decisions apply to Federal employees.

For example, the court said:

"We do not agree with appellant that an employee may, without fear of discipline, say anything and anywhere whatever a private person may say without fear of a libel action, on the doctrine of *New York Times*. The added interests of the sovereign are factors to be considered in adjusting and balancing constitutional concerns."

The court went on to say:

"There is a reasonable difference between the kind of discipline and limitations on speech the government may impose on its employees and the kind it may impose on the public at large. To ensure a basic efficiency in public service a limitation may be imposed as a condition of government employment that is broader than the standard that defines the wrongdoing that subjects a private citizen to penalty or damage action."

The court referred to the common-law doctrine that an employee has a duty to be loyal to his employer. This is, perhaps, the most significant item in the many pages of the opinions. The court, in effect, is saying to public employees "we recognize that you have rights; but don't forget that you also have responsibilities."

PICKERING'S PROGENY—TWO

Goldwasser v. *Brown*. Plaintiff was a civilian instructor for the Air Force who taught basic English to foreign military officers who were in this country for training. He was removed on the allegations that he had discussed controversial subjects such as religion, politics, and race during class hours despite prior warnings to avoid such subjects.

The Court of Appeals for the District of Columbia Circuit on September 17, 1969, ruled that the restriction imposed on the teacher's conduct within the classroom was not an unconstitutional encroachment on his right of free speech. The court distinguished this case from the *Pickering* case observing:

"In *Pickering* the Supreme Court * * * recognized that public employment may properly encompass limitations upon speech that would not survive constitutional scrutiny if directed against a private citizen, although there is certainly no easy leap from this to the proposition that a public employee necessarily assumes monastic vows of silence when he looks to the taxpayer for his salary. The Government's interest as an employer is in heightening the level of the public services it renders by assuring the efficiency of its employees in the performance of their tasks; and efficiency comprehends the maintenance of discipline, and prevalence of harmony among

". . . the First Amendment gives a citizen the right and, perhaps, even imposes on him the duty to criticize Government policy and Government officials absent actual malice. A citizen does not lose that right by becoming a Federal employee. However, as an employee he has certain obligations toward his employer which make his relationship with the Government different from the relationship he had before he became an employee."

co-workers, and the elimination of conduct which may reasonably be thought to have 'impeded' the proper performance by a teacher of 'his daily duties in the classroom.' Conversely, the free speech interest of the teacher is to have his say on any and everything about which he has feelings, provided there is no significant likelihood of impairment of his efficiency."

Relating the *Pickering* test to the case before it, the Court of Appeals stated that the facts in *Goldwasser* required a different result:

"We would * * * be blinking reality if we did not recognize that a class of foreign military officers at an Air Force installation on invitational orders presents special problems affecting the national interest in harmonious international relations. We are certainly not equipped to second-guess the agency judgment that the instructional goals of the Air Force program would be jeopardized by the teacher's volunteering his views on subjects of potential explosiveness in a multi-cultural group."

EFFICIENCY OF THE SERVICE

It is interesting to note that both the *Meehan* and *Goldwasser* cases refer to "efficiency of the service" as a factor to be considered in assessing limitations on employees' freedom of speech. In the *Meehan* case, the court talks about "a basic efficiency in public service," a concept obviously broader than Meehan's efficient performance of his duties as a policeman. In the *Goldwasser* case, the court refers both to conduct of the teacher in the classroom, which obviously relates to the efficient performance of one's duties as a teacher, and jeopardizing the instructional goals of the Air Force program, which again is a broader concept.

The relevance of the discussion stems, of course, from the fact that the basic removal statutes speak in terms of removals "for such cause as will promote the efficiency of the service." There has been a recent tendency on the part of some courts to treat the clause as though it referred merely to the efficient performance of an employee's duties. This has never been the Civil Service Commission's interpretation, since over the years the Commission has been influenced by the legislative history of the Civil Service Act of 1883, which resulted in large part from congressional concern about the low esteem in which the public at large held the entire Federal civil service. It is significant, therefore, that the court in these two cases, and Judge Nichols of the Court of Claims concurring in *Schlegel* v. *United States* (October 17, 1969), recognize that the clause does have broad implications.

Judge Nichols says that actions that will bring an "agency into hatred, ridicule, and contempt, to the grave detriment of its ability to perform its mission" do have an impact on the efficiency of the service. "An agency," said Judge Nichols, "is not necessarily wrong if it deems that good public relations favor efficiency and that bad ones detract from it. I believe that myself. Nor is it absurd to fear that a public which loses respect for the employees of an agency will lose respect for the agency itself. It follows that the agency has (or, up to now, had) a right to require its employees to refrain from off-duty behavior of kinds the public will regard (however obtusely) as scandalous and disgraceful."

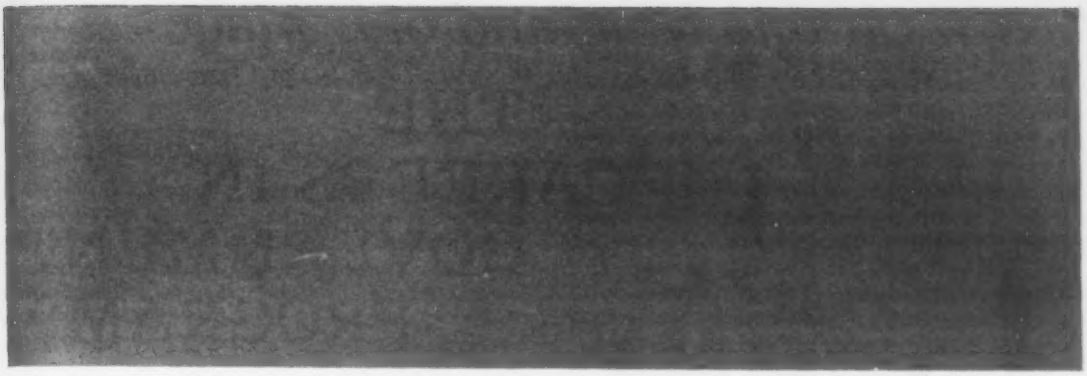
SUMMING UP

To sum up, the First Amendment gives a citizen the right and, perhaps, even imposes on him a duty to criticize Government policy and Government officials absent actual malice. A citizen does not lose that right by becoming a Federal employee. However, as an employee he has certain obligations toward his employer which make his relationship with the Government different from the relationship he had before he became an employee. This means that to attain an object of Government, the maintenance of an efficient public service, the Government may restrict the exercise by its employees of their right to criticize.

Consistent with the principles derived from court decisions concerning employee cases, these conclusions may be drawn:

A Federal employee may not be penalized for:

- a public statement that he has cleared through an established clearance process.



- a statement made in the course of filing an appeal or a grievance that he does not publicize outside the agency.
- criticisms made within prescribed channels; or attempts to achieve improvements in employment or working conditions or changes in personnel or management policy through lawful participation in activities of employee organizations.

A Federal employee may be disciplined:

- if his criticism of Government policy or a Government official is false and is made with actual malice, that is, with knowledge of its falsity or with reckless disregard for its truth or falsity.
- if his criticism, whether true or false, involves disclosure of information which he knows is confidential.
- if his criticism involves false statements about matters so closely related to the day-to-day operations of his agency that the harmful effect on the public would be difficult to counter because of the presumption that the employee would have special access to the real facts.
- if the criticism is of a superior by a subordinate when the relationship between them is of such a close nature that the criticism seriously undermines it.
- if the criticism is made outside the channels prescribed by, or is in violation of, a statute, Executive order, or regulation.
- if the criticism adversely affects job performance, discipline, work relationships, or his agency's mission. This includes public statements in opposition to a Government policy which the employee's duties require him to implement or enforce.

These conclusions by no means solve all the problems. For example, should consideration be given in defining restrictions on criticism, to the employee's duties or his level of responsibility? Should the imposition of a sanction rest on whether a critical employee is recognized by the public as having an official capacity which presumptively validates his knowledge of what he speaks about?

Must actual harm to the criticized program or policy be proved, or is it enough that the purpose of the critic or the tendency of his criticism is damaging?

Should an employee be penalized for failure to adhere to grievance procedures if to do so would require him to take his complaint to the same agency or individual which is the target of the complaint?

Most immediately, questions have been raised over the extent of Federal employee participation in organized dissent over United States policy concerning Vietnam. May an agency head deny use of Government facilities to Federal employees who request them for holding a lecture by a critic of United States policy? Is it tolerable for Federal agencies to permit employees to use Government bulletin boards to post notices about events like Moratorium Day, notices which lampoon the President and characterize him as misinformed and misled in his Vietnam policy? Should an employee be penalized for participation in an orderly demonstration that becomes violent by the urgings of a few?

These questions can only be resolved by a sensible accommodation of the First Amendment rights of employees with the rights of the Government as an employer. It should be remembered that lawfully operating governments, State and Federal, derive their powers from the same constitutions which contain our charters of personal liberties. The framers of the Federal constitution made these original, sensible accommodations. The task of continuing accommodation calls for the utmost in maturity, good judgment, tolerance, and restraint.

This may seem like a middle ground between the views of extremists on both sides, but to us it is high and defensible ground. We position ourselves here not out of any regard for the value of compromise or the safety of the middle of the road. We are here because of the belief that only by the rational accommodation of these two sets of important, competing constitutional interests can this Nation continue to flourish with a Government that fairly and effectively represents all the people. #

"Now, at one time and one place . . ."

THE CAREERS IN GOVERNMENT PROGRAM

by **J. PHILIP BOHART**
Chief, Manpower Sources Division
U.S. Civil Service Commission

"THE RESPONSE to this was very gratifying—far beyond anything we had expected." That comment by a Federal agency recruiter was typical of the general reaction to the "Careers in Government" program staged at New York's Statler Hilton Hotel on November 7, 8, and 9.

This pilot project represented a combined effort by Government agencies to attract experienced professionals to a central point for employment interviews. It emerged from the Civil Service Commission's February 1968 review of Government-wide college relations and recruiting and was considered and approved by the Interagency Advisory Group's Committee on College Relations and Recruiting. To implement this plan, an experimental program was developed to recruit persons in specific shortage categories—engineering, the physical sciences, and computer technology.

The presentation was the first interagency attempt at metropolitan recruitment of college graduates who have had some work experience. Up until now, Government efforts to reach the collegian were concentrated primarily on the Nation's campuses. A change was indicated when surveys showed a very high rate of turnover among college graduates during their first few years of employment in private industry. It is also apparent that college graduates discharged from military service are entering the civilian work force in increasing numbers. These are large and important sources of talent.

A few agencies have done well in their attempts to tap these sources, but a cooperative program, encompassing many Federal agencies, was needed. Not only would agencies be able to share such expenses as advertising and the cost of interviewing facilities, but more significantly, candidates for Federal, State or municipal employment would be able to come to a single, convenient

location and, in a few hours, talk with numerous recruiters. To the applicant, the Careers in Government program becomes a handy "one-stop supermarket" of job opportunities.

CONCENTRATION OF PERSONNEL

New York City was chosen as the scene of the first Careers in Government program on the basis of data from the National Science Foundation and the Bureau of Labor Statistics which revealed that it has the Nation's largest concentration of technical personnel. Nearby Newark adds considerably to this total, and the "target group" in this region tends to be a readily mobile population.

Our first experiment involved 28 representatives from 17 Federal departments and agencies and 2 each from the States of New York and New Jersey, the City of New York, and the District of Columbia. Recruiters and program staff occupied almost all of the hotel's second floor with 36 interview rooms, an "operations" room, an applicant reception room, and a résumé review room. In some instances, technical and personnel interviewers worked in teams, but each applicant received a private interview.

For the applicants' convenience, the interviews were held on the weekend—Friday and Saturday from 9 a.m. to 9 p.m. and Sunday from 10 a.m. to 6 p.m.

A remarkably effective display advertisement in the *New York Times* told the story of this recruiting drive and drew over 3,500 inquiries within 2 weeks after its first appearance. The ad was run in the Business and Finance Section of the *Sunday Times*. Response was so good that a somewhat smaller display ad was substituted the following Sunday. Finally, on the third Sunday of the campaign, an inexpensive classified ad was used. The Business and Finance Section of the *Times* appears ideally suited for attracting the attention of technical and professional people.

Advertisements were also placed in a few other, smaller newspapers, including the Spanish-language *El Diario*, the *Amsterdam News*, the Newark *News*, and the Newark *Afro-American*. A glossy reprint of the *New York Times* ad was sent to over 10,000 engineers in the Greater New York metropolitan area through a direct mail campaign.

Additional publicity techniques included:

- Contacting military separation centers within a 100-mile radius of New York City and informing them about the program.
- Notifying alumni placement officers of colleges and universities in the New York-New Jersey-Pennsylvania area.
- Sending letters to ten professional societies. Two of these organizations—the Society of Women Engineers and the American Society of Civil Engineers—sent representatives to observe the recruiting activities at the hotel.
- Writing letters to U.S. Congressmen representing New York City and its environs apprising them, in advance, of the planned operation. This move also yielded unexpected dividends. At least one Congressman helped to publicize the event through media contacts of his own.

Above, **technical and personnel recruiters team up to interview a prospective candidate for Federal employment. All of the interviewing sessions were conducted in this kind of private, informal setting.**
Right, **John Murtha, CSC Director of College Relations and Recruitment (left), and Paul Cash, New York City Interagency Board, look over a few of the résumés arriving at the command post. The applications were screened for basic qualifications and forwarded to appropriate agency recruiters.**

PUTTING TOGETHER A "GO" SYSTEM

Emphasizing "one visit, many interview opportunities," the publicity urged interested engineers, physical scientists, and computer specialists to call a specified phone number for a free information packet. This packet of material included a letter explaining the program, brief descriptions of the participating agencies—their missions, project, positions, and locations—and a one-page résumé sheet. Applicants completed the form and returned it to the Careers in Government staff for review of basic qualifications.

Résumés of qualified individuals were duplicated and forwarded to agency representatives. Recruiters selected individuals they wished to interview and informed the staff of their choices. Applicants were then called to arrange mutually convenient times for the interviews. This operational procedure, which worked well throughout the program, was designed to encourage:

- Thorough consideration by agency recruiters of an individual's qualifications and career interests.
- Careful prescreening of résumés so that interviews would involve only those candidates that agencies were interested in considering for employment.
- Advance appointments to avoid delay and inconvenience.

In designing this system, an effort was made to meet the needs of agency recruiters while insuring good public relations and service to the general public.

RESPONSE HEAVY

The publicity campaign generated 2,500 résumés, some from locales as far away as Bermuda and California. One alert newspaper reader sent in his application from El Salvador. In sifting through this welcome avalanche of material, the staff identified close to 1,700 applicants qualified for positions being filled under this program.

During the 3-day program, the recruiters talked to almost 400 individual applicants in some 700 separate interviews. Many applicants took the opportunity to learn about several agencies, with the number of interviews per applicant ranging from one to seven. Over 500 people walked into the recruiting site without having made prior appointments. Although the interview schedules of many recruiters were full, about 85 "walk-ins" did obtain interviews and several proved to be outstanding prospects for some of the jobs being filled.

LOOKING AT THE RESULTS

A lot of interesting data accumulated as a result of this 3-day session and all of it must be carefully evaluated. Thus far, the program has been a success in terms of the large turnout of applicants and the enthusiastic reaction of the participants—on both sides of the interviewing desks.

Gross numbers of applicants and interviews, however, do not tell the whole story. The key factor is the quality of the applicants and whether their qualifications are related to the needs of the participating agencies. Some of the persons interviewed appeared to be overqualified—especially in terms of salary—for the types of positions available. And there were the usual number of "shoppers" who submitted résumés and even appeared for interviews but weren't really interested in changing jobs.

Despite these problems, agency recruiters were impressed with the quality as well as the quantity of applicants and have indicated that they expect to hire from three to eight applicants per agency, directly from this program. The concept has been proven effective and may confidently be declared "operational." Its ultimate value, of course, is contingent upon agency manpower needs.

For the participating agencies, the benefits derived from the program far outweighed the nominal cost of $850. This represents a real bargain price for the hiring of at least several professional-level technical people and the compiling of a valuable collection of résumés for later reference.

Another more indirect, but important, byproduct of the program relates to the information gap about the true nature of Government employment. Applicants indicated that their attitudes toward Government service were favorably affected by their contact with the recruiting program. One recruiter noted, "Many learned for the first time about Government job opportunities and employee benefits. Some had no idea that civil servants are engaged in scientific research and advanced technical projects. They assumed that all Government professionals are engaged in administrative work."

This approach has outstanding potential—for other occupations, for clerical recruiting, for adaptation in new recruiting techniques such as résumé referral to agencies, and for expansion to major cities throughout the year.

OPENING NEW AVENUES

Perhaps the most signficant aspect of this Careers in Government program lies in the area of interagency and intergovernmental cooperation. This was the first joint recruiting program involving Federal, State, and local governments under the Intergovernmental Cooperation Act. The path which was opened could, in time, become a broad avenue for all manner of interagency and intergovernmental ventures.

The many people who worked on this prototype effort speak highly of their experience. Recruiters, completing long hours of interviewing, cheerfully spent hours more assisting program personnel with their administrative and data-collecting responsibilities. This spirit of cooperation, as it emerges in more and more operations, will enhance Government efficiency at all levels. For the American people, increasingly reliant on a wide array of modern government services, this will be a signal accomplishment. #

LEGAL DECISIONS

ANTISTRIKE AFFIDAVIT

National Association of Letter Carriers v. *Blount,* District Court, District of Columbia, Oct. 30, 1969. This just about completes the emasculation of 5 U.S.C. § 7311. Subsections (1) and (2), which were the basis for the loyalty affidavit, were declared to be unconstitutional on June 4, 1969, in *Stewart* v. *Washington* (*Journal,* Vol. 10, No. 2). This case relates to subsections (3) and (4) which prohibit Federal and District of Columbia employees (a) to participate in a strike, (b) to assert the right to strike, or (c) to hold membership in an organization that asserts the right of Federal employees to strike. Only (b) and (c) were involved and the court held them to be unconstitutionally vague, thus causing employees to refrain from doing things that they had a right to do under the First Amendment. The plaintiff-union now plans to attack the sole remaining provision that prohibits participation in a strike.

INJUNCTION AGAINST STRIKES

In view of the NALC case referred to above, the recent decision of the Indiana Supreme Court (Oct. 1, 1969) in *Teachers* v. *School City of Anderson* is topical. The court held (3–2) that an injunction could lie against a union of teachers and its members to prohibit them from striking, notwithstanding the State "Little Norris-LaGuardia Act" which prohibits the issuance of injunctions in labor disputes. The court said that this did not apply to public employees because the "overwhelming weight of authority in the United States is that Government employees may not engage in a strike for any purpose." Most of the arguments for the opposing view are set forth in the dissenting opinion.

ADVERSE ACTIONS; FIRST AMENDMENT RIGHTS

Goldwasser v. *Brown,* D.C. Cir., Sept. 17, 1969. This is the second of what will probably be a goodly number of cases in which the courts will put flesh on the bones of the principle enunciated by the Supreme Court in *Pickering* v. *Board of Education.* That principle is that public employees retain their First Amendment right to criticize Government officials and Government policy, absent actual malice, with possibly some exceptions. *Meehan* v. *Macy* (*Journal,* Vol. 10, No. 1) is an example of an exception to the principle; *Goldwasser* is another.

Mr. Goldwasser taught basic English to foreign military officers who were in this country for Air Force training. He was removed on the ground that he had twice discussed controversial subjects (religion, politics, race) during class, despite prior warnings not to do so. The court upheld the removal.

The court noted that Pickering was fired for writing a letter to a newspaper, an extracurricular expression which had no effect on the efficiency with which he taught geography or history. Goldwasser's observations, however, were made during a class in basic English to which, at the best, they would have minimal relevance. This constituted conduct which might reasonably be thought to have impeded the proper performance by a teacher of his daily duties in the classroom. The court also noted that it was "not equipped to second-guess the agency judgment that the instructional goals of the Air Force program would be jeopardized by the teacher's volunteering his views on subjects of potential explosiveness in a multi-cultural group."

ADVERSE ACTION—DUE PROCESS

Olson v. *Regents of University of Minnesota,* District Court, Minnesota, July 25, 1969. Plaintiff was 59 years of age and had been a permanent civil service employee of the university for 14 years. He was discharged and given a statement of reasons 21 days later. The civil service rules required a statement of reasons but did not specify whether they should be furnished before or after the adverse action. The court ordered reinstatement, saying in pertinent part: "The court believes that while due process does not require a full hearing prior to dismissal, it does require advance written notice with the opportunity to respond either in writing or by an informal appearance."

The court took into account the fact that the chances for employment elsewhere are minimal when a 59-year-old man has been discharged from his most recent employment. In this connection, the court said: "Even those courts which have tended to adhere to the shibboleth that employment by the Government or a public body is a privilege and not a right, recognize and stand for the proposition that if a dismissal may bear upon reputation and the opportunity for future employment thereafter or affect an interest other than employment, due process both substantively and procedurally must be adhered to."

This is very significant. The principle has heretofore been applied to my knowledge only in cases of alleged disloyalty and, more recently, homosexuality. (This case involved a charge of striking his supervisor.) Can it be that the courts are beginning to recognize that a discharge from Government employment for any reason imposes a stigma that makes it difficult to find other employment?

—John J. McCarthy

television course for secretaries

FROM NINE TO FIVE

THE WORKADAY WORLD of a secretary is the subject of study in a televised secretarial training course appearing on WETA–TV, Channel 26, Washington's public television station. Grammar and grooming, attitudes and outlook, interaction and communication—all are packaged into a lively series. The program was developed by WETA–TV and the U.S. Civil Service Commission for use in government, and is adaptable to business and industry. It is currently being shown in Washington, New York, and several other major cities.

"From Nine to Five" is aired twice weekly for 7 weeks to small groups of trainees at their place of employment, with trained discussion leaders conducting sessions before and after each program. Featured as on-camera instructor is Mrs. Sharon Stromberg, former secretary and business educator, now Associate Director of the Commission's Communications and Office Skills Training Center.

The course concentrates primarily on the behavioral aspects of secretarial and clerical activities, rather than on merely developing skills. The use of television extends the effectiveness of a single teacher, reduces the time away from the job by providing training close to the work site, and gives trainees an opportunity to see dramatizations of office situations—the "do's" and the "don'ts."

On these pages are scenes from the set of "From Nine to Five." At left, television instructor Sharon Stromberg and a professional actor go through their paces in an eerie setting of electronic stalactites and stalagmites. On this page, at the top, professional actors play the parts of disgruntled boss and disgruntling secretary in a role-playing sequence on writing good letters. Next, Civil Service Commissioner L. J. Andolsek and his real-life secretary are type-cast as boss and secretary in a dramatization of an office situation. Below, the Floor Manager on the WETA–TV program holds the slate that tells all about what is to be filmed as the cameras get set to record another day in the life of a secretary.

For further information, contact WETA–TV, 2600 4th St. NW., Washington, D.C. 20001, phone 387–1300.

FOST—an acronym for CHANGE in the National Park Service

by
MATI TAMMARU
Chief of Employment
National Park Service

This is the story of one agency's experience in designing an ad hoc *evaluation study suited to its own particular management environment and mission. Many of the principles applied by this agency—the National Park Service—could be applied in developing the continuing evaluation systems called for by President Nixon's October 9 directive to agency heads, discussed in* A Turning Point in Personnel Management, *beginning on page 1 of this issue.*

ON A BLUSTERY MARCH weekend a dozen top management officials and staff specialists of the National Park Service gathered informally at Harpers Ferry, W. Va. It was 1966, and George B. Hartzog, Jr., Director of the National Park Service, had asked the group to take a hard look at the Service's field operations.

"Take a look at how we're doing in the field," Director Hartzog had told them. "Try to come up with some ideas on how we can operate our areas even more effectively."

The 14 conferees met that weekend at the Mather Training and Research Center, named after Stephen T. Mather, first Director of the National Park Service. They followed no ironclad agenda—they had no rubber stamp solutions for real or imaginary problems. But they had taken the pulse of field operations in the National Park System and could report some interesting symptoms to stimulate discussion and analysis.

NEW UNDERSTANDING

For 3 days and nights the group waved the flag, kicked some sacred cows, turned to and from tradition, sifted through input after input, and played the game of painful self-appraisal. At the end, the group reached a new understanding of where the Service is and where it

should be heading. It translated this understanding into pertinent questions and problems to be solved. The most relevant questions zeroed in on field organization and personnel management:

- New and different types of areas are added to the National Park System yearly; we get involved in more and more activities inside and outside park boundaries. With our present ways of organizing work, how can we continue to give increasing numbers of visitors the opportunity for a "park experience" without an increase in funds and personnel?
- Management programs and needs within parks are changing. How can we best assure ourselves of a continuing supply of capable, skilled park managers ready to carry out the changing programs of the Service?
- The skills and abilities of many employees are not fully used. What does it take to challenge someone—to mine the resources of his talents? What are the ingredients for a "satisfying" career?
- We must continue to attract and hold talented people. The prospective employee wants to know, "What is it *really* like working for the National Park Service?" And, even more important, "What types of jobs can I look forward to in my career?"
- The organization that communicates fully, produces effectively. Are the communication lines too long or too narrow in some of our parks? How do we let people down the line know what is expected of them? How well are we geared for getting the word *up* the line?

Having focused on some of the core questions, the group agreed:

- To appoint a study team empowered to conduct research in depth into management questions.
- To bring field people into the study in an open and joint effort.
- To communicate findings, recommendations, and decisions from the study team to all segments of the Service for reaction, suggestions, and understanding.

The following July, the study team convened under the direction of a field-oriented park management official. Other members contributed from their experience in such fields as park naturalist, park ranger, park maintenance, field personnel management, and headquarters staff specialist. The team conducted interviews and working sessions with top managers, regional directors, park superintendents, Departmental officials, and others interested in the study. It obtained written comments and suggestions from park employees. It studied similar situations in other Federal agencies and in non-Federal government. The team also took an intensive look at what the theorists say about management and organizational change.

CRYSTALLIZING PROBLEMS

All summer the study sparked long, frank, and sometimes heated team discussions. These helped to crystallize the problems. Tentative solutions emerged. By August, the team presented some major concepts to the Directorate, reflecting much of the thinking and suggestions received from field officials of the Service. Management approved the product, a new approach to organizing parks and the people in them.

The study team then recommended its own termination and that a task force of four full-time members be formed. Its objectives would be (1) to communicate concepts to the entire Service and (2) to develop means to implement the concepts through testing in park areas, writing of necessary standards, and setting of targets in a PERT sequence (Planned Evaluation and Review Technique).

Thus was born the Field Operations Study Task Force (FOST). Chaired by a superintendent and complemented by members from interpretive and personnel functions, it began its mission in March 1967.

The Task Force met with top managers, held seminars at training sessions, and met in group and individual discussions to spread the word about FOST and to gain employee understanding. In 1967, the Task Force visited 11 field areas to try the concepts on for size. These visits tested conceptual weaknesses and produced models which could be applied to all types of areas in the National Park System.

A PERT chart pointed the way to actual implementation in graphic and chronological format. Management accepted this procedure as the approved Action Plan for the offices to follow in gearing up for the new approach. A target date of December 1969—two years off—was set as the time when all pieces of the puzzle should fit together.

In June 1968 the Task Force handed the ball to management and disbanded. The plan was there; now the name of the game was FULL IMPLEMENTATION. Today, the front line is the Service's team of superintendents in the field, supported by Regional Action Teams. These are the manager, specialists, and staff members who are translating the plan into reality.

WHAT THE STUDY FOUND

The study team found most people eager to have a voice in the shaping of their working environment. Questions posed by the team brought in suggestions showing an awareness of the mission of the Service and of the environment related to that mission.

The team found changes necessary in many management areas. Following are five specific examples of conditions needing change:

(1) The present system places on six regional directors the burden of supervising directly all park superintendents within their regions. One regional director, for instance, is the line manager over 42 superintendents. The superintendent's role also varies from major large parks (GS–15 superintendency) to small monuments (GS–11 superintendency).

(2) The total manpower picture indicates projected turnover rates of approximately 30 percent in managerial ranks in the next 5 years. A higher than normal rate of retirement eligibility, and normal projected attrition account for this trend.

(3) Among the complex results of sharply increased park attendance is a change in character of park management jobs. Problems of traffic, preservation of the ecological balance, the increase in dope traffic and major crimes, the influx of urban-oriented visitors, and the general mobility of the population—all have forced a new pattern and tempo of work on parks.

(4) Before FOST, parks used job categories of park ranger, park naturalist, historian, archeologist, superintendent, and supporting technician groups such as park guide, fire control aid, clerk-cashier, and information receptionist. Each is a specialized job to fit a fragment of the total park operations job to be done.

(5) Park rangers spend too many years at the beginning steps (GS–7) of their careers because much of their work includes technician duties. Their full talents are not used.

WHAT IS THE SERVICE GOING TO DO?

These symptoms led the team to four basic concepts outlined in FOST and to be implemented by the Service.

(1) *Management Unit Concept.* The management unit is (1) a total small park; (2) a segment of a large or complex park; or possibly (3) two or more small parks under one manager. It is also people—a team—which is organized along the functional lines of management, administrative services, area service (maintenance), and visitor services. A manager directs his unit's overall activities.

The management unit (1) gives management experience to first-level managers; (2) brings together all parts of the park program into a rational whole at the field operations level; and (3) opens the door wider to upward communication of employees' needs, desires, and understanding of their jobs and to downward communication of what management expects from employees.

(2) *Cluster Concept.* The cluster is a group of separately established national park areas. (This is not a new concept; it has successfully served our needs in various forms previously.) Its essential ingredients are: (1) a middle manager who directs the overall operation of the group; (2) two or more management units; (3) first-level managers who direct the overall operation of each management unit; and (4) staff services specialists who serve all parks in the group out of the middle manager's office.

Among its numerous benefits, this concept will:

- Decrease the number of park managers reporting directly to regional directors (executive-level managers).
- Give small parks better high-level representation.
- Provide a more economical, efficient base for purchasing, budgeting, programming, and reporting.
- Bring staff specialists closer to small park operations.
- Bring beginning first-level managers closer to the support and counsel of higher management.
- Improve and enhance public and professional relations when a cluster headquarters is located in a nearby city or town.

(3) *Field Staff Specialist Concept.* FOST describes a park staff specialist as an expert in specific park programs. Staff specialists are members of the headquarters team in a large park or a cluster; they usually report directly to a middle manager. They influence managers' decisions by advising on the *what, when, who,* and *why* of their specialty. They also supervise technical aspects of their specialty in a quality control sense and provide area-wide services.

Why staff specialists? Few, if any, managers can, or should be expected to, execute single-handedly a park program as all-knowing, self-sufficient generalists. To meet technical and specialized demands facing them, they depend on people specially trained and experienced in those fields. The manager's staff should provide the expertise required in law enforcement, resources management, administrative management, maintenance, interpretation, and similar fields. The study team found that such staff help, especially for smaller park areas, has remained in the Regional Offices.

(4) *Concept of New Park Occupations.* Two occupational series new to the National Park Service are being introduced: (1) Park Management and (2) Park Technician. This action is a conscious effort to update and recast several important park management, visitor service, and resource management occupations.

This approach distinguishes between two main types of "Ranger" work—professional (Park Management) and non-professional (Park Technician). The distinction is based on types of work assignments and the education and experience required to perform that work.

Park management throughout the country is an emerging professional occupation. Linked to this trend is the ever-growing variety of activities in which park management people must get involved. The Service seeks to recruit people who *want* to tackle many of the new activities—for example, those who seek challenge and find satisfaction in solving urban park problems. At the same time, the Service needs the "big trees and mountains" ranger. The times dictate a new blend of academic training covering the biological sciences, police science, park and recreation management, history, archeology, and other disciplines related to park management.

Park aids and technicians form a new occupation designed to perform a variety of essential tasks in park operations. College training, however, is not a requirement. Technicians will enforce laws and regulations, and control traffic, for example. They will operate campgrounds, beaches, and picnic areas, and serve on crews for

plant disease and insect control, fish and wildlife management, and soil and water conservation. They will protect historical and cultural structures and objects, serve visitor information needs, and protect the area resources.

For this new occupation the National Park Service can now recruit from formerly untapped sources of employment, such as junior colleges, high schools, local communities. It can open the door to the disadvantaged and provide them the opportunity to climb a positive career ladder beginning at the GS–1 and GS–2 grade levels. The Service will be able to use its manpower more effectively at the park operations levels.

This occupational shift is a good example of Operation MUST (Maximum Utilization of Skills and Training) to use Service talent in the best way possible.

WHY HAVE NEW OCCUPATIONS?

Present rangers, naturalists, historians, archeologists, and even superintendents often work at tasks which could be done by people not holding college degrees. Most of this work will now be assigned to park aids and technicians. Park rangers will be giving more of their attention to the professional aspects of the job, such as programming, planning, supervising, evaluating, and instituting new management programs and practices.

Park managers will have to meet certain management qualifications based on the premise that a good specialist will not necessarily be a good ranger, and vice versa. The Service will seek its managerial competence wherever it is to be found, based on management potential and demonstrated capability.

THE PAYOFF?

FOST is a major management step of the National Park Service. As such, it will influence the way the Service views its management and its people in the future. FOST answers the questions posed by Service management and is confident of a series of constructive results.

The following will probably be the most significant payoffs:

(1) The Service will structure field organizations to provide even greater service to visitors and more effective management of park resources with available money and manpower. It will stretch the budget dollar and fit talents to needed tasks.

(2) Since the organizational concepts of *clusters* and *management units* will increase the number of management assignments at various responsibility levels, the Service will be able to identify and harness more management talent through early managerial job exposure at the grass roots level.

(3) The new occupations give the National Park Service a springboard to reach outside individuals and groups and provide attractive job materials with which to interest applicants and students in Park Service careers.

(4) FOST provides an organization model for field operations which can be adapted to individual parks. The result should be better communications and ready help to the lowest rung in the park organization. The more effective distribution of the managerial load should give top management more time to meet emerging regional and national problems and environmental conservation issues.

The Service gratefully acknowledges the assistance of the Department of the Interior and the U.S. Civil Service Commission in developing this program. The results are already beginning to appear in the form of a more effective organization and greater service to the public.

TRAINING DIGEST

PRESIDENTIAL INTEREST IN FEI

In a memo from the White House to the heads of executive departments and agencies, John C. Whitaker, Secretary to the Cabinet, said that "the President has asked me to call your attention to the Federal Executive Institute at Charlottesville, Virginia. . . . Executives attending the Institute should develop more ability to meet our changing needs through greater awareness of our hard choices and tasks; recognition of the requirement for coordination of all parts of Government in planning and delivering services; and skill in building and effectively managing organizations. The President encourages you to become familiar with, and make use of, this unique educational resource." These comments were prompted by the President's belief in the necessity of having high quality people in career executive positions.

The Federal Executive Institute, now in its second year of operation, is administered by the Civil Service Commission. The Institute was created to provide training for career executives in the Federal service at grade GS–16 and above. It is open to executives in all the departments and agencies.

REGULATIONS ON TRAINING

Bureau of the Budget Circular A–97, issued on August 29, 1969, spells out rules and regulations for making Federal facilities for services, including training, available to State and local governments. The circular describes how State and local employees may be included in Federal training programs, under the Intergovernmental Cooperation Act of 1968, on a reimbursable basis. Certain restrictions are placed on such activities to curb increases in agency staffs beyond current employment ceilings and to avoid supplanting training already available through normal business channels.

EQUAL OPPORTUNITY OFFICER TRAINING

The Federal Highway Administration, Department of Transportation, has established a new program to attract and develop high quality candidates to become Equal Opportunity Officers. The program was developed to meet the shortage of experienced personnel who could provide positive leadership in action programs to accomplish the goals of the Federal Government in equal employment opportunity.

Trainees are recruited through the Federal Service Entrance Examination and other sources and enter into a 12-month developmental program. They will spend about half their time in the Washington area, with the remainder in field assignments. Trainees will also be assigned to offices outside the Department, including the Department of Labor's Contract Compliance Office, the Civil Service Commission, the Department of Justice, the Commission on Civil Rights, and the Equal Employment Opportunity Commission. In addition, they will attend appropriate formal training activities.

NEW TRAINING PUBLICATIONS

The first two papers in a series being published by the Bureau of Training's new Training Systems and Technology Division were released in September and October. The Training Systems and Technology Series introduces to agency training personnel various aspects of technology and the instructional systems approach. The first in the series, "Instructional Systems and Technology: An Introduction to the Field and Its Use in Federal Training," briefly describes the instructional systems approach and cites some of the new training techniques so that the reader can gain insight into how they are being used in Federal training and how he might apply them to his own training.

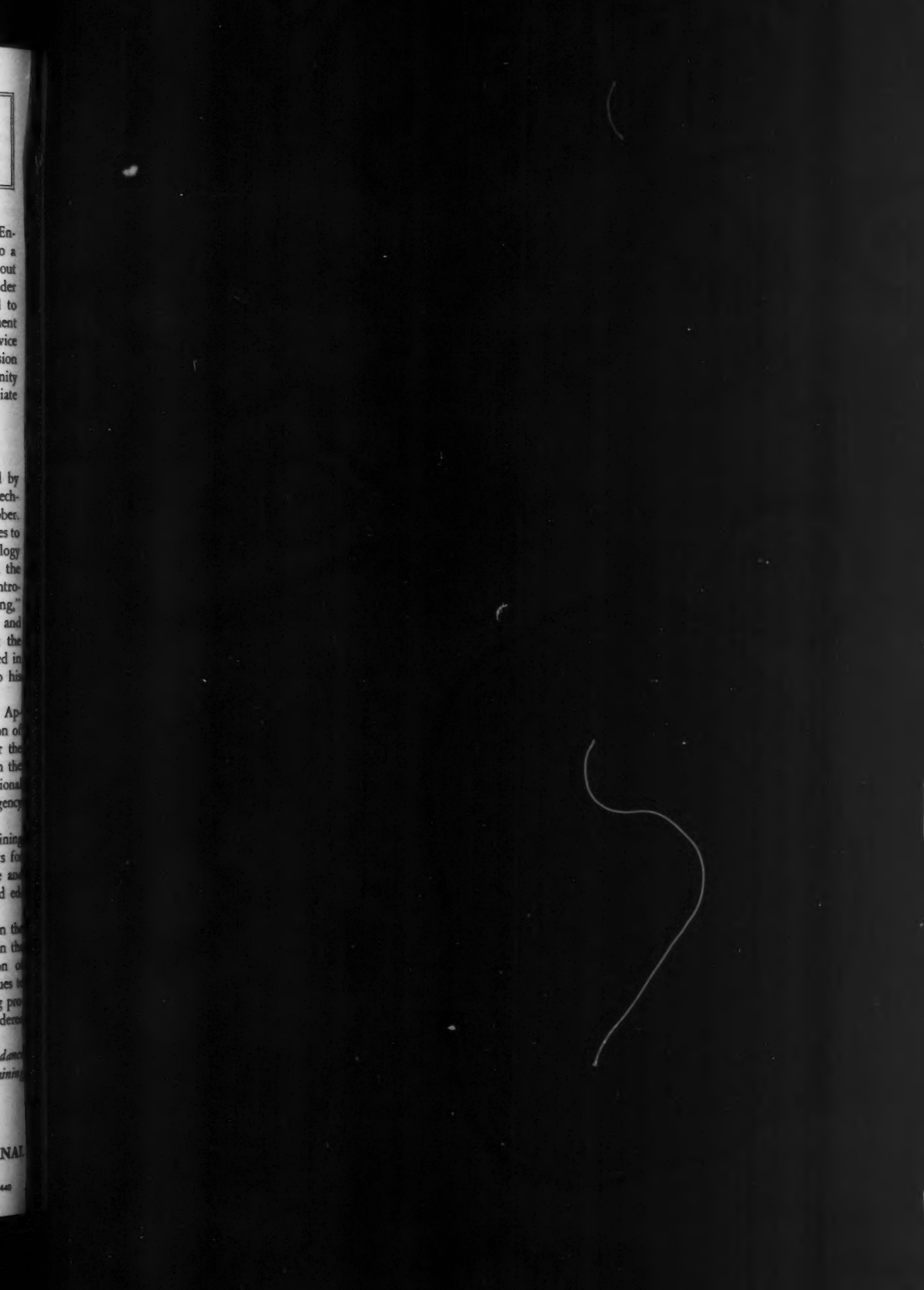
The second paper, "Application of the Systems Approach: A Case Study," is a report of the application of a systems approach to curriculum development for the Law Enforcement Training Center. Other papers in the series will cover programmed instruction, instructional television, and guidelines for evaluation of agency training, among other topics.

The papers have been well received by the training community, both Federal and non-Federal. Requests for copies have come from Federal agencies and State and local governments, as well as from universities and educational associations.

The new division will serve as the focal point in the Federal Government for guidance and leadership in the development, selection, evaluation, and utilization of modern instructional methods and training techniques to enhance the overall effectiveness of Federal training programs. Copies of papers in the series may be ordered from the Government Printing Office.

—Office of Agency Consultation and Guidance
Bureau of Training

U.S. GOVERNMENT PRINTING OFFICE : 1970—O-388-449



agencies and the private sector will be placed (for about 1 year) in positions offering challenge and responsibility in the other sector. Prospective candidates to be nominated next fall should be between 25 and 40, earn over $18,000 annually, and have highest leadership potential.

NEW FEDERAL EXECUTIVE BOARDS and new Federal Information Centers have been authorized for several cities, bringing to 25 the number of cities which will have both an FEB and a Federal Information Center by the end of 1970. Federal Executive Boards consist of the top Federal officials in a metropolitan area.

Federal Information Centers, operated by GSA in cooperation with the Civil Service Commission, provide a single point in a major metropolitan area where citizens can visit or call to obtain information on any Federal activity. Several of the centers have toll-free tielines through which their service can be extended beyond the local area. The New York City Center, for example, has tielines with Hartford, Albany, and Scranton. Atlanta provides similar service to Chattanooga, Birmingham, and Charlotte, N.C. The Kansas City Center has tielines with St. Joseph, Mo., Topeka, and Omaha, while the Dallas-Ft. Worth Center extends service to Waco, Houston, and Austin.

"PRESIDENT'S LISTENING POSTS" are to be established at each of the 16 new Information Centers. Listening posts were authorized in an October 27 memorandum from the President to agency heads, carrying out President Nixon's campaign pledge to seek ideas and suggestions from the public. Patterned after the first "President's Listening Post," now in operation at the new Federal Information Center in Philadelphia, the centers will send citizens' suggestions and ideas to a designated official in Washington who will reply direct to the citizen on the President's behalf.

STUDENT TRAINEES often go far—sometimes as far as the moon. When we reviewed Neil Armstrong's civil service career in the "Civil Servant on the Moon" feature in the October–December issue, we were unaware that he had Federal service prior to his NACA assignment as an aeronautical research pilot. His original appointment was as a Student Trainee at the U.S. Naval Air Test Center, Patuxent River, Md., where he was hired at GS–4, $3,175 per annum, and worked from June 1954 to February 1955, leaving to become a pilot with NACA. Becoming a student trainee was the first small step of quite a journey!

FEDERAL ARTISTS outside the Washington metropolitan area, as well as those who live and work in Washington, are eligible to enter the nationwide contest conducted each year by the Society of Federal Artists and Designers. Outstanding pieces of art and design entered in the contest have been displayed the past 2 years in the main lobby of the Civil Service Commission Building in Washington, colorfully illustrating the thought that while writers and speech-makers give Government a voice, the artists give it the face.

—Bacil B. Warren

UNITED STATES
GOVERNMENT PRINTING OFFICE
DIVISION OF PUBLIC DOCUMENTS
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

United States Civil Service Commission
POSTAGE & FEES PAID